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THESIS

**THE LIKELIHOOD OF COLLABORATION BETWEEN
CENTRAL AMERICAN TRANSNATIONAL GANGS AND
TERRORIST ORGANIZATIONS**

by

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March 2007

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TRANSNATIONAL GANGS AND TERRORIST ORGANIZATIONS**

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ABSTRACT

This thesis focuses on the issue of the growing threat of transnational criminal gangs spreading throughout the Central America and the United States (U.S.). More specifically, the thesis addresses the *Mara Salvatrucha* (MS-13) gang, examining how this particular gang emerged as a formidable public security threat. A common misconception holds transnational gangs like MS-13 emerged in Central America; however, the truth is these gangs have their origins in the gang lifestyle found in the U.S. Since the early 1990's, MS-13 and similar transnational gangs have established criminal networks specializing in drug, arms, goods, and human smuggling. These operations pose a grave threat to U.S. national security: intelligence reports surfaced in 2004 indicating a possible meeting between an al-Qaeda lieutenant and members of MS-13. Due to these reports, U.S. agencies such as the Federal Bureau of Investigation and Immigration and Customs Enforcement are among the agencies that have started to work closely in monitoring transnational gang activity in the U.S. and the western hemisphere region. While MS-13 does not hold any anti-American sentiment, the gang will work with the highest bidder without hesitation. Therefore, the thesis addresses the organized crime-terrorist organization debate within the academic and intelligence communities, adding how globalization serves to facilitate such a link. The thesis helps to explain how current Central American legislation is forcing transnational gangs to go “underground” in order to survive. Findings show the need to switch towards a more multi-faceted strategy in order to ensure long-term solutions to the proliferation of transnational gangs not obtainable with current heavy-handed methods while concurrently reducing the risk of a terrorist-transnational gang link in the western hemisphere.

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I. THE LIKELIHOOD OF COOPERATION

A. THE THREAT OF RISING CRIME

For much of the twentieth century, Central American countries have faced socio-economic and political adversities that have challenged the legitimacy of their governments. During the first half of this century, authoritarian regimes ruled throughout the region, often presiding over state-controlled economies structured to develop their respective nations. States industrialized at the expense of the rural sectors. The resulting inequality and marginalization brought about political violence as early as the 1930's, and in at least two countries, spawned socialist-based insurgencies that would continue well into the 1980's.

Central American countries for the most part have enjoyed a democratic existence since the 1990's. Implementation of austere fiscal reforms aimed at stabilizing markets while preparing them for international competition, however, tested the legitimacy of these nascent democracies. Government legitimacy once again came into question as political violence reemerged in the form of protests carried out by members of losing economic sectors. In addition to the hardship caused by much needed economic reforms, governments also face a by-product of this economic adversity that threatens to hinder further economic growth: crime.

Criminal activity has been steadily increasing throughout Central America at a rate that not only threatens economic growth, but regional security and democratic development as well. Of particular importance to this thesis is the topic of Central American gang violence, which has extended from a neighborhood-based phenomenon to a transnational issue since the end of the

1980's.¹ These transnational gangs have gained prominence through their exploitation of illicit networks, manipulation of technology, and its absence of loyalty to any particular country.

These characteristics, when combined with a drive for profiteering by any means necessary, creates a scenario for where transnational gangs may liberally collaborate with any organization that will readily pay. Mexican drug cartels, for example, have used these violent individuals as hired guns to provide security or strong-arm their competition. The lack of loyalty to country found within these transnational criminal gangs presents a nascent threat to United States (U.S.) national security. While there is no specific evidence of an existing link, the opportunity for interaction between transnational gangs and Islamic terrorist organizations may develop due to characteristics inherent to these gangs' structural organization, their lack of loyalty to any country and their established criminal networks that stretch from Central America into the U.S.

This thesis seeks to answer the question: what is the likelihood Central American-based transnational criminal gang will collaborate with Islamic terrorist organizations? The research will attempt to find out what a partnership between these two entities do to the security of a region already overwhelmed by violent crime. By analyzing the regional conditions and motivations, the thesis examines what specific operations the two groups may collaborate in throughout the western hemisphere. Pursuing research into this topic will allow the reader to understand the implications for both U.S. National and Central America regional security as a result of collusion between western hemisphere transnational gangs and Islamic terrorist organizations.

B. ATTRACTION TO TRANSNATIONAL GANGS

The regional criminal networks transnational gangs operate in the western hemisphere are potentially attractive to terrorist organizations that wish to employ one of their many "services." One example exists in the diverse smuggling

¹ USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment* (Washington D.C.: United States Agency for International Development,[2006]).

operations controlled by these transnational criminal organizations that encompass well-established drug, arms, and human smuggling networks. Through violence and intimidation, the *Mara Salvatrucha* (MS-13), for example, controls considerable portions of Southern Mexico's railways used for transporting smuggled goods and people.² Those who desire to use this illegal entryway into the U.S. would in effect have to contact the transnational gang in order to transit through the area on its way into or out of the U.S.

The targeting of "soft-targets" within the region presents itself as another opportunity for terrorists to seek the assistance of transnational gangs. In the aftermath of the September 11, 2001 attacks by al-Qaeda, it has been widely publicized that Islamic terrorists may be recruiting non-Arab operatives to carry out acts against the interests of the U.S. and its allies. Recruitment of individuals of non-Arab backgrounds in both the U.S. and Europe has become critical to terrorists' agendas in recent years, as these potential recruits do not fit established terrorist profiles. The Islamic missionary group Tablighi Jammāt serves as an example of the validity of this claim.

Tablighi Jammāt travels the world seeking out wayward Muslims as well as new converts. While group leadership objects to the use of violence or alleged terrorist connections, U.S. authorities are not dissuaded from investigating the group. A main reason for such scrutiny is due to the group's connection with John Walker Lindh – the "American Taliban." In 1999, Lindh met with Tablighi Jammāt missionaries that encouraged him to join them in their travels. Lindh allegedly sought additional understanding of the Muslim faith during his travels with the missionary group. At the insistence of a Tablighi Jammāt preacher, Lindh enrolled in a Pakistani religious school. It is from this

2 Carlos Mauricio Cruz, "Al-Qaeda's Unlikely Allies in Central America," *Terrorism Monitor* 3, no. 1 (January 2005), 3-5, http://www.jamestown.org/publications_details.php?volume_id=411&issue_id=3196&article_id=2369091 (accessed May 16, 2006).

school where Lindh allegedly made contact with the Taliban.³ Another event that serves as justification for the continued surveillance of the Tablighi Jamat took place last year in Great Britain. In August 2006, Scotland Yard arrested terrorists planning to bomb multiple flights out of London's Heathrow airport. The arrests ultimately yielded 23 suspects – seven of which were Tablighi Jamat followers.⁴

As with the London example, the individuals sought to assist in terrorist operations have an advantage in that they possess an understanding of their societies and customs that allow them to assimilate easily.⁵ Terrorist may therefore seek to employ local individuals to provide intelligence in preparation for an impending attack within the Americas. Surveillance of a U.S. or allied embassy, and economic investments of the same, for example, may be easier if a native not fitting a terrorist profile executed the operation.

This thesis looks at factors that produce an ideal setting for cooperation between these two actors. Consequently, it will attempt to point out indicators of possible collaboration, allowing U.S. and regional law enforcement agencies to react accordingly. In doing so, readers will be better equipped to implement measures aimed at preventing a promising environment while concurrently undoing established operational links.

C. LITERATURE REVIEW: AN OVERVIEW

1. Organized Crime and Terrorist Organization Link Debate

The subject of terrorism and organized crime linkages is not new; however, the 9/11 attack has forced authorities and scholars to view the topic in a different light. Prior to the attack on the World Trade Center, scholars believed the likelihood of the two groups working together was low. Given the asymmetric

³ Susan Sachs, "A Muslim Missionary Group Draws New Scrutiny in U.S." *New York Times*, July 14, 2003, <http://libproxy.nps.navy.mil/login?url=http://proquest.umi.com.libproxy.nps.navy.mil/pqdweb?did=358190431&Fmt=7&clientId=11969&RQT=309&VName=PQD> (accessed September 15, 2006).

⁴ Paul Lewis, "Inside the Tablighi Jamaat, a UK Islamic Group with a Mission," *The Guardian*, August 22, 2006, <http://www.guardian.co.uk/guardian/> (accessed September 15, 2006).

⁵ United States Senate Committee on the Judiciary, *Terrorist Recruitment and Infiltration in the United States: Prisons and Military as an Operational Base*, October 14, 2003, http://judiciary.senate.gov/testimony.cfm?id=960&wit_id=2719 (accessed June 12, 2006).

characteristics of the Global War on Terrorism (GWOT), though, traditional perceptions about the issue are slowly changing. Dr. Moises Naim, editor-in-chief of *Foreign Policy* magazine, credits globalization with shortening distances while concurrently expanding and strengthening economic relationships between nations.⁶ He also points out the “dark side” of this phenomenon, arguing new regulations and procedures currently in use around the world have created “loopholes” open to use by criminals. In doing so, globalization has served as an enabler to the propagation of both criminal and terrorist networks. Given the mostly decentralized composition of terrorist and transnational criminal organizations, a globalized environment affords a promising setting for groups from either sector to conduct business. Interaction between terrorists and criminals in such a situation, therefore, becomes easier.

Two camps emerge when discussing the likelihood of a terrorists-transnational criminal link in the western hemisphere. The first camp bases its observations on historical accounts. The root of this argument considers motivating factors as well as the type of operations conducted when terrorists turn to criminal activities. The second absolutely refutes the possibility, believing differences in motivation between actors are too great to overcome. As a result, this group limits any potential contact with criminal entities as a by-product of terrorist financing practices.

a. “Cooperation is Likely” School of Thought

Scholars in this first group acknowledge that state funding of terrorist operations significantly decreased at the end of the Cold War. As the number of states who renounced the use of terrorism grew, established and emerging terrorist organizations lost government sponsors. Consequently, terrorist organizations began to pursue other venues in order to supplant traditional state financial and logistical backing for on-going and future operations.

⁶ Moises Naim, “The Five Wars of Globalization,” *Foreign Policy*, no. 134 (January/February 2003), <http://libproxy.nps.navy.mil/login?url=http://proquest.umi.com.libproxy.nps.navy.mil/pqdweb?did=278453641&Fmt=7&clientId=11969&RQT=309&VName=PQD> (accessed December 3, 2006).

Government officials, such as ex-Assistant Secretary of State for International Narcotics and Law Enforcement Affairs Rand Beers, argue symbiotic relationship exists between terrorism and organized crime. Criminals benefit from the military expertise and weapons access provided by terrorist organizations. Meanwhile, terrorists also benefit from an established criminal network and access to consumers for illicit commodities.⁷

Terrorists face benefits as well as assume risks when reverting to criminal activity as a source of fund raising. On the one hand, by purchasing goods and services through the black market, terrorists reduce the risk of detection by authorities monitoring legal markets. On the other hand, terrorists increase their risk of detection by authorities monitoring organized criminal activity. The potential of getting caught rises with the number of different criminal enterprises terrorists choose to pursue.

Terrorists have found different ways to avoid exposure. For example, terrorists will first enter the criminal world through sectors that require little to no experience, such as kidnapping. Then they will slowly work on gaining experience in a particular activity within a specific geographical area. As a result, areas with little or weak law enforcement control become ideal for terrorists to hone criminal skills without any major risk of arrest.⁸ While the drug trade is arguably the most lucrative fund-raiser, it carries the highest risk. Terrorists will attempt to vary their criminal involvement among low-risk operations such as credit card fraud and cigarette smuggling when seeking profits.

Emerging logistical needs may also serve as another reason why terrorists may seek out the criminal underworld. Terrorists may opt to employ existing criminal networks for services beyond their capabilities. Such a structure may already be in place, thus removing the need for terrorists to create a system

⁷ United States Senate Committee and Judiciary Subcommittee on Technology, Terrorism, and Government Information, *Narco-Terrorism: The Worldwide Connection between Drugs and Terror*, March 13, 2002.

⁸ John T. Picarelli and Louise I. Shelly, "Organized Crime and Terrorism" in *Terrorism Financing and State Responses in Comparative Perspective*, eds. Jeanne K. Giraldo and Harold A. Trinkunas (Palo Alto: Stanford University, 2007), 94-95.

from scratch. One example is the shipment of weapons and counterfeit goods into the U.S. by using the same illicit-trade routes used by criminals. Another example was the human smuggling rings based out of Mexico and Peru during the late 1990's and early 2000's.

These particular smuggling rings specialized in the transport of Middle Easterners initially brought into Central or South America, through Mexico and into the U.S. Fortunately, between 2003 and 2005, authorities in the region managed to break up these illicit rings. Since the dismantling of these particular networks, Middle Easterners and Arabs have sought other similar rings. One option is the human trafficking networks operated by the transnational criminal gangs in the region. Although the majority of those being smuggled are Central and South Americans seeking a better life in the U.S., these types of networks remain attractive for terrorist use.⁹

b. "Cooperation is Unlikely" School of Thought

Another group of analysts calls into doubt the likelihood of a strategic alliance forming between terrorists and criminals in the western hemisphere. Many in this group believe the different motivations driving terrorists and criminal groups present a major obstacle for collaboration. Terrorists may refuse to work with criminal entities based on ideological motives. While terrorists may involve themselves in minor criminal activities, their ultimate goal remains ideological. Therefore, they will attempt to avoid anything that obstructs their beliefs. One example of such behavior is the reluctance of Islamic terrorists to use state corruption to their advantage. These individuals reject bribery as a violation of their principles. The use of bribes would essentially mean the support of the same system they are combating.¹⁰

A high level of law enforcement attention is enough to deter both sets of actors from interacting with each other. On one hand, criminals may seek

⁹ Thomas Davidson, "Terrorism and Human Smuggling Rings in South and Central America," *Terrorism Monitor* 3, no. 22 (November 17, 2005), <http://www.jamestown.org/terrorism/news/article.php?articleid=2369832> (accessed May 16, 2006).

¹⁰ Picarelli and Shelly, *Organized Crime and Terrorism*, 101

to shun contact with terrorists in an attempt to avoid the consequent attention of counter-terrorist entities in addition to the traditional police agencies they normally evade. Terrorists' sole aim is to communicate their agenda to the world by any means necessary. The sheer nature of their existence is to spread their political message to as many places as possible, raising public awareness to whatever may be their cause. Consequently, these actions may bring undue attention to criminal organizations that prefer to operate in secrecy. On the other, terrorists may want to avoid contact with criminals due to their high-profile lifestyle – particularly in the case of western hemisphere transnational gangs well known by law enforcement agencies at local and national levels.¹¹

Ultimately, critics hold operational goals pursued by terrorists and western hemisphere transnational criminals are too divergent to allow a partnership to emerge. Western hemisphere transnational criminal groups do not have an anti-American agenda like Islamic terrorists. While crimes taking place in Central America may be taking a more politically charged stance, such activity currently targets local governments. In the 2004 attack on a Honduran bus by members of MS-13, for example, anti-gang legislation emerged as the main reason for the attack that claimed 28 passengers. Nevertheless, money remains the primary motivator for transnational criminals. Given the right price, the potential for assisting terrorist exists.¹²

2. Western Hemisphere's Transnational Gangs Problem

Import substitution industrialization (ISI) became the leading economic development strategy immediately following World War II, lasting into the 1970's. ISI perpetuated industrialization throughout the region at the cost of the rural sector. This allowed for the emergence of unequal levels of protectionist measures among the economic sectors that favored the urban sector of society. As industrial growth flourished in the cities, agricultural growth dropped in the countryside due to the increasing taxation on exports. When primary exports failed to raise adequate levels of revenue, subsidies to the industrial sector hurt

¹¹ Cruz, *Al-Qaeda's Unlikely Allies in Central America*, 3-5

¹² Ibid.

the government budget.¹³ By the early 1970's, countries still implementing ISI measures were characterized by economies unable to compete internationally. As a result, Latin America slowly shifted from the state-controlled system of ISI, to a more open market structure.

With this economic liberalization process, Latin American countries began launching neo-liberal market reforms in the 1990's. This economic restructuring called for austere measures aimed at ultimately preparing these financial systems to enter the international economic arena. While reform advocates expected an inevitable emergence of economic "winners" and "losers" because of this "shock-treatment," they only predicted this to be the case for the short-term. Reformers' long-term expectations were that economic losers would eventually become winners due to opportunities present in an open market environment.

Ultimately, economic reforms did deliver successful economic stabilization for many Latin American countries in the short-run. Unfortunately, the long run benefits expected to make a difference in the poorer sectors of society did not trickle down as quickly as projected even though unemployment levels slowly dropped an average of one-half to three percent between 1990 and 2000¹⁴. In addition to the unemployment level, poverty levels throughout Central America slowly dropped but remained high during the same 10-year period: El Salvador 39.6 percent; Guatemala 75; Honduras 65.9; Nicaragua 65.2; compared to the U.S.' 8.6.¹⁵

¹³ Eliana Cardoso and Ann Helwege, "Import Substitution Industrialization" in *Modern Political Economy and Latin America: Theory and Policy*, eds. Jeffry Frieden, Manuel Pastor Jr. and Michael Tomz (Colorado: Westview Press, 1992), 159.

¹⁴ International Labor Organization, "LABORSTA Internet: Yearly Data," International Labor Organization, <http://laborsta.ilo.org/> (accessed December 11, 2006).

This unequal income distribution and the lack of basic social services therefore motivated individuals, in particular rural and poor urban youth, to seek out other venues in order to fill the vacuum. Alfonso Gonzales, a Seymour Melman Fellow from the Institute for Policy Studies, argues a rise in both crime and youth gang activity begins to emerge out of this neo-liberal aftermath.¹⁶ Compounding the situation with a post war environment where an overall weak judicial system is present sets the foundation for an atmosphere where crime is an easy solution.

The western hemisphere has seen the growth of an atypical criminal entity flourish in the past two decades in the form of transnational criminal youth gangs. These transnational criminals have essentially redefined the way domestic law enforcement agencies track criminal gangs. While at first considered by many in the law enforcement arena as common street gangs, these transnational gangs have grown to form a vast illicit network that extends from El Salvador, into Honduras and Guatemala, through Mexico and into the U.S. While there are several transnational gangs in the region, this thesis will concentrate on the MS-13 who has become the best known of the gangs due in part to their high use of

¹⁵ World Bank, *El Salvador Poverty Assessment: Strengthening Social Policy* (El Salvador: World Bank,[2005]), http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&theSitePK=523679&entityID=000160016_20060111134320&searchMenuPK=64187283&theSitePK=523679 (accessed December 10, 2006); and Central Intelligence Agency, "The World Fact Book: Guatemala," Central Intelligence Agency, <https://www.cia.gov/cia/publications/factbook/geos/gt.html> (accessed December 10, 2006); and World Bank, *Honduran Poverty Diagnostic 2000* (Honduras: World Bank,[2001]), <http://wbIn0018.worldbank.org/LAC/lacinfoclient.nsf/Author/By+Author/A72B6E649070BEA185256AEA00605C21?OpenDocument> (accessed December 10, 2006); and World Bank, *Nicaragua Poverty Assessment: Challenged and Opportunities for Poverty Reduction* (Nicaragua: World Bank,[2001]), http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&theSitePK=523679&entityID=000094946_01032105504860&searchMenuPK=64187283&theSitePK=523679 (accessed December 10, 2006); and U.S. Department of Commerce, Economics and Statistics Administration, U.S. Bureau of the Census, *Statistical Abstract of the United States: 2001. the National Data Book*, 121st ed. (Washington D.C.: Library of Congress, 2001).

¹⁶ Alfonso Gonzales, *Rethinking U.S. Involvement in Central America's War on Gangs: The Case of El Salvador* (Washington D.C.: Institute for Policy Studies,[2005]), <http://www.ips-dc.org/melmanfellow.htm> (accessed August 23, 2006), 11.

violence while carrying out their operations. Their criminal exploits have transcended international borders driving the gang to get national-level attention from both U.S. and Central American entities.

3. Conclusion

While transnational criminal groups in the western hemisphere may not share the same goal or ideologies terrorists possess, the latter may find the need to employ the criminal gang in order to accomplish an operation. These transnational gangs, like the MS-13, contain characteristics that are attractive to terrorists. Although current, irrefutable evidence is not available linking western hemisphere transnational gangs to Islamic terrorists, it would be irresponsible to believe such collaboration may not emerge in the future. Events that took place in 2004 highlighted the reality of this issue.

Intelligence reports surfaced that Adnan G. El Shukrijumah, a known al-Qaeda lieutenant, allegedly met with MS-13 members in Honduras in July 2004.¹⁷ Due to these reports, U.S. agencies such as the Federal Bureau of Investigation (FBI) and Immigration and Customs Enforcement (ICE) are among the agencies that have recently started to work closely in monitoring transnational gang activity in the U.S. and the western hemisphere region. Meanwhile, Central American countries have also reacted in an effort to counteract the overwhelming criminal threat these gangs pose to country security. This research aims at presenting how this event has spurred a need to monitor transnational gangs worldwide, and more specifically in the western hemisphere.

D. RESEARCH DESIGN

This thesis seeks to answer what the likelihood is Central American-based transnational criminal gangs will collaborate with Islamic terrorist organizations. Chapter II addresses the debate regarding cooperation between organized crime

¹⁷Mike Ward, "Despite Denials, Rumors of Al-Qaeda Ties Linger," *Austin American Statesman* January 22, 2006, <http://www.statesman.com/news/content/news/stories/world/01/22maraqaeda.html> (accessed May 16, 2006); and Jerry Seper, "Al-Qaeda Seeks Tie to Local Gangs," *The Washington Times* September 28, 2004, <http://www.washtimes.com/national/20040928-123346-3928r.htm> (accessed September 20, 2006).

and terrorist organizations. Scholars and analysts viewed any collaboration between these two groups as relatively low throughout the Cold War and prior to the September 11, 2001 World Trade Center attacks. Given the asymmetric characteristics of the Global War on Terrorism (GWOT), traditional perceptions about the issue are slowly changing. The thesis argues certain organized crime characteristics are attractive to terrorist organizations operating in the current environment. Consequently, Chapter II explains why terrorists may revert to crime and the different opportunities available to do so. As globalization is taking a greater hold of the world every day, a discussion of how this phenomenon affects actors at different analytical levels follows. Ultimately, the evidence presented will assist with the argument that while short-lived terrorist-criminal links facilitated by globalization are a high possibility, a long-term alliance is unlikely.

After understanding the characteristics of criminal networks and the nature of what draw potential terrorists to these systems, Chapter III introduces the reader to the issue of western hemisphere transnational gangs. There are several transnational gangs present within the region; the two largest are the MS-13 and *18th Street Gang* (M-18). Of the two, however, MS-13 has spread farther and influenced more individuals; therefore, MS-13 will be the thesis' focus. Chapter III provides addresses MS-13 origin, gang structure, demographic composition, and current threats it poses to the region.

Next, Chapter IV discusses the current public security problem engulfing Central America and MS-13's role in this issue. The chapter looks at potential factors that may have contributed to the rise in violent crime throughout the region. Countries throughout Central America have taken measures to address this problem. Countries in the northern portion of Central America have pursued a heavy-handed approach, placing heavy emphasis on law enforcement only. Meanwhile, those in the southern portion of the region have opted for a multi-faceted strategy, incorporating prevention and rehabilitation programs in addition to law enforcement. Then, my research contrasts these courses of action with the U.S.' current anti-gang strategy. Ultimately, the research will help explain

why a multi-faceted approach to the transnational gang problem will provide better long-term results than current heavy-handed legislation.

Given the evidence presented in the previous chapters, the thesis concludes with an explanation of the plausibility of a western hemisphere and terrorist organization link. Chapter V attempts to invalidate common misconceptions circling within the intelligence and academic communities by applying facts extrapolated from my research. The thesis closes with policy recommendations for both the U.S. and Central American countries, addressing the need to support multi-faceted approaches to the transnational gang problem. By pursuing this course of action, the thesis argues the region may begin to undo the environment that currently facilitates transnational gang proliferation while concurrently reducing the risk of a transnational gang-terrorist link in the western hemisphere.

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II. ORGANIZED CRIME AND TERRORIST ORGANIZATIONS

A. INTRODUCTION

The subject of terrorism and organized crime is not new; however, scholars and analysts have seen it in a different light after 9/11. Prior to the attack on the World Trade Center, scholars believed the likelihood of the two groups working together was low. Given the asymmetric characteristics of the Global War on Terrorism (GWOT), traditional perceptions about the issue are slowly changing. Scholars and analysts have identified certain characteristics inherent to organized crime that are attractive to terrorist organizations seeking to operate in a post-Cold War environment. Therefore, the different organizational structures of criminal groups first require attention. Then, an explanation of why terrorists may turn to crime follows, highlighting different ways in which they employ criminal groups to fit their needs. Next, I will discuss globalization, explaining how this on-going process facilitates both criminal and terrorist activity. Ultimately, the evidence presented will support with the argument that while short-lived terrorist-criminal links are a high possibility, a long-term alliance, however, is not likely.

B. ORGANIZED CRIME

In his paper “Organized Crime and Terrorism,” Dr. Phil Williams from the University of Pittsburg identifies organized crime as organizations that are “... networked or hierarchical, which systematically adopt criminal activities in pursuit of profit as their ultimate objective.”¹⁸ Organized crime exists for the sole purpose of raising revenue in order to support a certain lifestyle – be it a lavish existence or a drug-induced standard of living. These criminal enterprises, therefore, operate in a calculated and strategic manner. Consequently, decisions affecting an organization’s bottom line or risks that may bring undue scrutiny to their operations are quickly abandoned. As Dr. Williams argues, profit is the ultimate objective.

¹⁸ Phil Williams, *Terrorism and Organized Crime*, Defense Intelligence Agency Project on Terrorist Financing 2004-2005,[2005]), 2.

Organized crime exists in an anarchic void inadvertently aided by globalization and democratization. Criminals have manipulated the legal networks uniting a globalized world. To further their agendas, organized crime has exploited the various loopholes created by globalization. In addition, criminal organizations have also flourished within new democratic states that have emerged throughout the region due to the democratization movement beginning in the 1970's. Many newly established democratic states began experiencing gaps between governmental agencies and political institutions as the recently attained democratic concept blossomed concurrently with a switch to an open market-based economic system. Such environments, where a high propensity for corruption exists along with the incapacity to enforce laws, become promising for organized criminal entities to prosper.¹⁹

There are several forms of organized crime available once lawbreakers have identified a suitable environment. One form emerges when criminals become bound to a specific geographic area. Criminals in this case seek to incorporate their illicit network into the local government. These particular organizations may resort to intimidation and extortion with the intention of influencing state officials or institutions' decisions. In seeking out political affiliation, criminals ultimately want complete control over local commodities and natural resources. As a result, a mutually beneficial relationship may develop between government representatives and criminals. On one hand, criminals become "silent partners" within the political system; on the other, politicians subsidize their incomes with bribes provided by criminals.²⁰

A network aimed at the production and distribution of illicit goods is another kind of organized crime. Unlike the previous form of organized crime, territorial ambition is absent. Partnerships between rival entities in this form of

¹⁹ Picarelli and Shelly, *Organized Crime and Terrorism*, 94-95

²⁰ Frank Bovenkerk and Bashir Abou Chakra, *Terrorism and Organized Crime*, Willem Pompe Institute for Criminal Sciences Paper, University of Utrecht, Netherlands (2005), http://igitur-archive.library.uu.nl/law/2006-0803-203003/bovenkerk_05_terrorism_and_organized.doc (accessed December 10, 2006), 4, 5.

criminal enterprise, therefore, are not binding. Nevertheless, individual groups may come together in either instance to cooperate and generate as much revenue as possible.²¹

1. Major Characteristics

a. Organizational Structures

Organized criminals have no problem transcending physical and political boundaries that constrain governments and their respective law enforcement agencies. These transnational organized crime groups have established networks that operate outside of globally recognized boundaries. Leadership and the organizational make-up help explain why a particular organization is poised for success or doomed to failure.

Networks may emerge with a centralized leadership figure at its head. This individual operates the network with “chiefly authority,” where command emanates from the power of coercion²². As a “chief” manages through armed force and intimidation, social standing and aptitude are not necessary requirements for leadership. A permanent fixture within the organization, the chief ultimately dictates courses of actions to network entities. As power is achieved by force, however, chiefs may ultimately be “removed” in the same manner.

Networks may also materialize with the resemblance to an acephalous organization; that is there is an absence of a centralized leader or representative dictating courses of actions. In this type of organizational structure, a “big man” may emerge.²³ This type of leader is often one who inspires others to follow or behave in a certain manner, lacking the direct power to compel individuals into action. In many cases, the person with most prestige

²¹ Bovenkerk and Chakra, *Terrorism and Organized Crime*, 5

²² The term ‘chiefly authority’ is derived from notes taken in Dr. Anna Simons’ ‘Anthropology of Conflict’ class held at the Naval Postgraduate School. For additional information see Anna Simons, “Backbone Vs. Box: The Choice between Principled and Prescriptive Leadership” in *The Future of the Army Profession*, eds. Lloyd J. Matthews, Don M. Snider and Gayle L. Watkins (Boston: McGraw-Hill Primis Custom Publishing, 2002), 379-395.

²³ The term ‘big-man’ is derived from notes taken in Dr. Anna Simons’ ‘Anthropology of Conflict’ class held at the Naval Postgraduate School. For additional information, see *Ibid*.

and experience emerges as the big man. Decision making, therefore, does not lay with a single individual but rather is a process where all participants have a voice. In the event a disagreement arises, actors in this process may choose from two paths: dissolving a previously established contract or removing a current big man from the position of influence via a majority decision.

Criminal networks may be comprised of an individual group or a number of entities all sharing a “professional” relationship. In one alternative, criminals may choose to operate independently of a larger network. Many illicit organizations may first choose to begin in this manner before forming working relationships with rival groups. A hierarchical structure presents itself as another alternative open to cartels seeking to work together. A final option allows individual criminal entities to operate freely within an overarching network.

(1) Leaderless structure. As described by the title, the absence of a defined leader marks this organizational configuration. A big man personality rather than chief often emerges in the form of an inspirational leader. In this case, however, this type of group is not in contact with any other group nor does it have *direct* contact with the big man. In essence, this inspirational individual only serves as the group’s muse. Groups in this structure may identify with an overarching cause or objective but do not claim affiliation with a particular network. Prior to its transnational status, for example, the *Mara Salvatrucha* gang began as a local street gang throughout Los Angeles’ Hispanic barrios in the early to mid 1980’s. Not initially affiliated to an overarching crime organization, the gang existed only to protect the safety and illicit business affairs of its small number of members. Members held in high regard, rather than coercive chiefs, served as the gang’s decision makers.²⁴

(2) Hierarchical. A single leader emerges as the sole decision maker in this type of organizational configuration. This individual directs through chiefly authority: the leader obtains and preserves power through

²⁴ Chris Dishman, "The Leaderless Nexus: When Crime and Terror Converge," *Studies in Conflict and Terrorism* 28, no. 3 (May/June 2005), <http://proquest.umi.com/pqdweb?did=890132051&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed September 15, 2006), 243.

coercive means. Leaders administer guidance from the top-down in this structure – at times becoming micromanagers. The chief administrator, however, will often delegate organizational direction via high-ranking subordinates who embody the leader's authority. While communication may emerge from the lower echelons, leaders in a hierarchical organization will always have the final say. The Medellin, Colombia drug cartel serves as an example of the criminals within a hierarchical structure. During the 1980's, the Medellin cartel was led by a single individual – Pablo Escobar. While retaining final veto power, Escobar delegated guidance via a small cadre of lieutenants. The process continued until the lowest echelon within the cartel received the instruction. Any sign of insubordination or incompetency, provided Escobar with enough justification to take corrective action. These are but a few of the ways in which Escobar embodied an individual with chiefly authority.²⁵

(3) Decentralized. Criminal organizations operating within a network often belong to this category. Networks operating in this manner are truly acephalous on a grand scale. While a decentralized system may not have a single leader, a "leadership node" may emerge within the network, essentially creating a *resemblance* to a hierarchical system. As groups within this network system exercise little to no communication between each other, a leadership node may ultimately be comprised of individuals representing the interest of their respective association. In this case, a network is "polycephalous" – leadership by many. A big man, instead of a chief, may eventually appear out of this node. Rather than a "leader," members of this node regard this personality as the first among equals. The responsibility falls on the leadership node, therefore, to delegate power and decision making to the rest of the member nodes within the

²⁵ Chris Dishman, "The Leaderless Nexus: When Crime and Terror Converge," 241

network. As such, in the event of dissention, members of decentralized networks have available to them the same options found within a smaller acephalous organization.²⁶

Many transnational criminal groups operate in a decentralized manner. These networks often are nothing more than “business agreements” that can be cancelled or altered at any time – depending on the immediate and strategic needs of their operation. As a result, disagreements may ultimately jeopardize business transactions when former allies become enemies. Although members within decentralized networks exist in a volatile environment, this characteristic has proven difficult for governments to successfully and completely shutdown. Government responses to transnational criminal organizations currently appear futile as they retain the traditional frame of mind regarding territorial boundaries.

Given their transnational reach and their stateless existence, the removal of a particular criminal network leader or sector of operation does little to topple the entire criminal enterprise. While short-run results may hurt the production or services a particular network provides, similar actors may emerge to fill in the void created by law enforcement operations. Removing a criminal leader, therefore, will only allow for single or multiple criminal entities to surface and assume control. Once again, Colombia’s problem with drug cartels and its subsequent response during the late 1980’s and early 1990’s serves as an example.

Pablo Escobar’s Medellin-based narco-trafficking network extended from the Andes region, through Mexico as well as the Caribbean and into the U.S. during the 1980’s. After several years of evading authorities, Colombian authorities successfully killed the cartel leader in 1993. Escobar’s death consequently created a leadership vacuum that allowed the rival Cali

²⁶ Dishman, "The Leaderless Nexus: When Crime and Terror Converge," 241-242, and John Arquilla and David Ronfeldt, "The Advent of Netwar: Analytic Background," *Studies in Conflict and Terrorism* 22, no. 3 (July 1999), <http://proquest.umi.com/pqdweb?did=45195965&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed February 11, 2007), 193.

cartel, among other smaller drug producers, to seize control of the former Medellin drug network. Over time, however, the Cali cartel has lost most of its power to both smaller drug producers as well as to the Revolutionary Armed Forces of Colombia (FARC). Although U.S. and Colombian law enforcement have expended vast amount of resources to curtail the drug trade, its survivability exemplifies the difficulty governments have in dealing with transnational criminal organizations.

b. Use of Violence

Criminal organizations resort to violence within their own association or against external actors while attempting to expand or protect their criminal network. Internally, the application of violence ensures control and order within the organizational ranks. Externally, violence is specifically used to, "... promote organizational goals, eliminate competitors, and remove political threats."²⁷ In both instances, violence is a show of force – a validation of power.

Accordingly, criminal violence strategically targets business competitors, internal challengers, and even state officials. Once again looking at the Colombia example, Escobar reportedly killed numerous associates due to insubordination. The cartel boss obtained control over his subordinates' actions by instilling fear within their ranks. This internal violence also fostered competition among subordinates who vied for Escobar's endorsement. The existence of this in-house violence consequently motivated subordinates to oversee business operations accurately.

Criminal organizations employ violence in the same strategic manner. Leadership within these illicit organizations may revert to intimidation tactics or assassination to protect or expand business. In many cases assassinations are directed only against individuals wielding power, such as other criminal bosses or government officials, seeking to disrupt business. In other cases, criminal organizations may use violence in order to control a

²⁷ Louise I Shelly and John T. Picarelli, "Methods Not Motives: Implications of the Convergence of International Organized Crime and Terrorism," 308.

governmental office. The strategic assassination of an honest official for example, may open the way for a more corruptible individual to assume office.

Another form of violence is intimidation. This tactic is versatile – criminal entities may employ it against high government officials as well as against personalities within the local community. Criminals may choose to offer Individuals in positions of power or local business owners, for example, protection from rival organizations in exchange for a “fee.” In many instances, however, this fee is not an option but rather a requirement. Consequently, criminal organization will consider those who reject the “protection” as antagonistic and a potential hazard to business.

While violence is commonplace within the criminal world, delinquents choose to use it strategically. Power is the ultimate goal when employing violence. When criminals ultimately achieve this power, business will flourish. Therefore, the use of violence is ultimately a means to an end – decentralized organizations are able to regulate internal challengers, while concurrently intimidating or eliminating external threats.

c. Secrecy

Organized criminals do not want to draw undue attention to their actions. Doing so may incite law enforcement investigations that will lead to a potential loss of revenue. Consequently, criminals strategically carry out any decisions and subsequent actions. This is especially crucial when employing violence against business rivals or state officials. Criminals prefer to operate in society’s shadow – evading law enforcement attention.

Having identified the characteristics that may attract terrorists, a discussion on the proposed reason why these organizations employ crime to raise fund or resolve logistical issues follows. Terrorists can employ several methods of crime in order to fulfill their operational requirements. The rest of the chapter, therefore, will tie in how terrorists manage criminal operations within the context of a globalized world. In the end, this will allow for a discussion about the likelihood of short-lived organized crime-terrorist links in the chapter’s conclusion.

C. TERRORIST THAT REVERT TO CRIME

Scholars often acknowledge that the level of state-funded terrorist operations significantly decreased with the end of the Cold War. When the Soviet Union ceased to exist, the financial and materiel support to terrorist organization once provided by the Soviets and its allies disappeared. Terrorist, therefore, sought different solutions to resolve the loss of operational support once offered by countries. While some terrorist organizations relied on non-government or private sponsorship to carry out their objectives, others groups turned to crime to satisfy the same needs. Before looking at these alternate avenues of funding, however, an explanation of how the 1991 collapse of the Soviet Union affected state sponsored terrorism; Libyan and Lebanese-backed violence throughout Latin America serves as an example.

1. Post Cold War Environment

Middle Eastern state sponsors of terrorism were active in Latin America during the 1980's and into the 1990's. Libya's government, for example, was a close supporter of Nicaragua's Sandinista regime, providing weapons and explosives to the government. Aside from arms shipments, Libya also offered military training to several insurgent groups throughout the region, such as the now demobilized Colombian April 19th Movement. Libya also attempted to recruit Latin American nationals in an attempt to target U.S. assets in the region. While there were a number of disappointments, Libya found success with Peru's Revolutionary Movement Tupac Amaru (MRTA). Throughout the late 1980's, Libyan-backed MRTA operation led to the bombing of the U.S. ambassador's residence and two U.S.-Peruvian bi-national centers.²⁸

As the international landscape shifted towards an environment willing to embrace democracy, governments rejected state-sponsored terrorism as a method to bring about radical change. Governments disrespecting other states' sovereignty often lead to a loss of legitimacy in the eyes of both constituents *and* the international arena. The mere *perception* a state's sovereignty is at risk,

²⁸ Mark S. Steinitz, "Middle East Terrorist Activity in Latin America," *Policy Papers on the Americas* 14, no. 7 (July 2003), 3-4.

therefore, may provide enough justification for world powers to use economic sanctions or apply military force against the offenders. This change of global perception, nevertheless, did not completely shield Latin America from terrorist attacks orchestrated by external actors.

Argentina, for example, experienced terrorist attacks in the 1990's at the hands of Lebanon's Hezbollah. In 1992, a bomb exploded at the Israeli embassy in Buenos Aires by the Islamic Jihad Organization left 29 people dead and 245 wounded.²⁹ Two years later another bomb exploded at the Argentine-Israeli Mutual Association; the attack killed 86 and wounded hundreds. Again, a Hezbollah-associated organization – Ansar Allah – claimed responsibility.³⁰

Most countries, nonetheless, changed courses of action, ceasing the support of terrorism. Libya, for example, ceased supporting terrorism due to international scrutiny and the need to deal with the globalized world. Libya's measures ultimately led to its 2006 removal from the U.S. list of terrorist supporting countries. Such evaporation of state funding in the end compelled terrorist to seek out new fundraising avenues to sustain operational costs.

2. Alternate Avenues for Funding

A number of courses of action became available to terrorists seeking financial and material support. One option open to terrorists was relying on private non-government associated supporters to provide for their immediate needs. Osama bin Laden serves as an example for this first group. The wealthy bin Laden quickly became the financial backer, role model, and spiritual leader to many like-minded Islamic extremists during the 1980's. Along with Mohammed Atef, the wealthy bin Laden founded the al-Qaeda terrorist organization. While al-Qaeda's infrastructure collapsed due to the 2001 U.S.-led efforts in Afghanistan, bin Laden remains the charismatic leader for countless other

²⁹ Both the Islamic Jihad Organization and Ansar Allah are Hezbollah associate groups based in Lebanon. Anti-Western views and efforts at establishing an Islamic republic in Lebanon comprise their objectives. Office of the Coordinator for Counterterrorism, *Background Information on Foreign Terrorist Organizations* (Washington D.C.: U.S. Department of State,[1999]), <http://www.state.gov/s/ct/rls/rpt/fto/2801.htm> (accessed February 22, 2007).

³⁰ Steinitz, *Middle East Terrorist Activity in Latin America*, 6

affiliated or splinter terrorist groups harboring like-minded anti-Western viewpoints, such as the Al Tawhid Iraqi insurgency group formerly directed by Abu Mussab al-Zarqawi.³¹

While certain terrorists sought out independent sponsors, others found their logistical needs met by turning crime. Terrorist reverting to crime as a source of funding inevitably assume inherent risks, such as law enforcement attention that lead to arrests and the possible exposure of true intent. Ultimately, terrorists choosing to assume the risk accompanying this lifestyle may enter this criminal underworld with or without the assistance of an established illicit network.

a. Entry-Level Crime

Terrorist may opt to enter the criminal world without the use of an established system. In this case, terrorists forgo organized criminal assistance and start a criminal scheme on their own. This method calls for an “entry-level” approach, allowing terrorist to enter this underworld via sectors requiring little to no experience while concurrently reducing the possibility of exposure. This method, therefore, allows groups to operate multiple low-risk operations. Crimes such as credit card fraud, illegal sale of fraudulent phone cards, and cigarette smuggling present little risk, yet provide a highly profitable return. Extortion has also emerged as a low-risk form of terrorist fundraising. Middle Eastern business proprietors who own interests in a community where the presence of Islamic terrorist groups exists, for example, often fall victim to this crime. As time passes, terrorists will slowly work on building expertise in a particular activity limited to a specific geographical area. Regions with little or weak law enforcement control, therefore, become ideal for these groups to hone criminal skills with little threat of arrest.³²

Although representing a higher risk level than the ventures discussed above, criminal rings present another self-start venue. South

³¹ A U.S. air strike in Northern Iraq killed Al-Zarqawi in June 2006. Answers.com, "Al Qaeda," Answer Notes, Answers Corporation, 2006, <http://www.answers.com/topic/al-qaeda> (accessed February 22, 2007).

³² Picarelli and Shelly, *Organized Crime and Terrorism*, 94-95

America's Tri-Border Area (TBA), for example, is host to operations like money laundering and counterfeiting rings.³³ This region is home to a number of Middle Eastern owned businesses – some of which are sympathetic to both Hezbollah and Hamas, a Sunni Muslim Palestinian organization that is also present in the Western Hemisphere. Some of these businesses are money exchange houses, often used to “clean” money generated through illegal means such as counterfeiting. These rings will forge and reproduce anything from cash, clothes, and software, to official government documents. It is possible terrorists, like criminals, ultimately use these objects either to transport illegal immigrants into the Western Hemisphere or sell them for cash.³⁴

Another lucrative and versatile fund raising operation identified in the TBA emerges from the worldwide proliferation of small arms. Both the Lebanese mafia and Hezbollah associates engage in arms smuggling within the region. In July 2002, for example, Paraguayan authorities uncovered an arms smuggling ring spearheaded by a Hezbollah associate. Documents recovered in the operation revealed the authorization for the use of USD\$30 Million in arms purchases. In the end, the easy availability of light arms allows terrorists the option to either sell the weapons or barter them for items that can later be sold for cash.³⁵

Finally, although carrying the highest risk, the drug trade presents itself as arguably the most lucrative fund-raiser. Due to the U.S.' ongoing war on

³³ The geographic territories where Argentina's, Brazil's, and Paraguay's borders merge form South America's TBA. Law enforcement and counter terrorist entities recognize the TBA as a hub for Hamas and Hezbollah fundraising, The Department of State argues in its 2004 Country Report on Terrorism that no operational terrorist cells operate in the area. Mark P. Sullivan, *Latin America: Terrorism Issues* (Washington D.C.: Congressional Research Service, Library of Congress,[2006]).

³⁴ John L. Lombardi and David J. Sanchez, "Terrorist Financing and the Tri-Border Area of South America: The Challenge of Effective Governmental Response in a Permissive Environment" in *Terrorism Financing and State Responses in Comparative Perspective*, eds. Jeanne K. Giraldo and Harold A. Trinkunas (California: Stanford University, 2007).

³⁵ Jeffery Goldberg, "In the Party of God: Hezbollah Sets Up Operations in South America and the United States," *The New Yorker*, October 28, 2002, 76, http://www.newyorker.com/fact/content/articles/021028fa_fact2 (accessed May 16, 2006); and Matthew Schroeder, *Small Arms, Terrorism, and the OAS Firearms Convention* (New York: Federation of American Scientists,[2004]), <http://www.fas.org/asmp/library/OAS/FullReport.pdf> (accessed May 16, 2006).

drugs, law enforcement entities have scrutinized narcotrafficking activities to a point where the operation is on par with terrorism. Colombian and U.S. authorities alike have restructured anti-narcotic policy in Latin America after 9/11 in order to obtain government funding for the war against drugs; ultimately developing the term “narco-terrorist.” Since current U.S. drug policy targets the supply chain, authorities track intercepted shipments not only to their source of origin, but to its intended buyer as well. Terrorist organizations using the drug trade to finance operations are therefore at a higher risk of detection by law enforcement authorities.

b. Existing Networks

As described above, terrorists may venture into criminal activity in order to fund operation-related expenses. Terrorists may also seek to venture into criminal activity purely out of logistical needs. In these cases, terrorists might choose to employ existing criminal networks for services beyond their capabilities. One possibility is the need to transport goods through the same proven smuggling routes drug cartels manage. As such, the presence of such infrastructure eliminates terrorists’ necessity to create a similar system.

Latin America is host to a variation of illegal logistical networks ranging from narcotics, arms, to human smuggling. Mexico and Peru’s human smuggling rings serve as an example. During the late 1990’s and early 2000’s these rings specialized in the transport of Middle Easterners. Reportedly, these individuals initially arrived in Central or South America then traveled through Mexico and up into the U.S.³⁶ Local authorities forced these rings to disband through several law enforcement operations undertaken between 2003 and 2005. The dismantling of these networks has forced both Middle Easterners and Arabs to seek similar networks, such as the network operated by the *Mara Salvatrucha* transnational criminal gang throughout Central America and

³⁶ Davidson, *Terrorism and Human Smuggling Rings in South and Central America*

Southern Mexico. This particular operation, therefore, may possibly attract potential terrorists that may have previously relied on the Mexican and Peruvian rings.

D. GLOBALIZATION

The phenomenon referred to as “globalization” has been for some time, and currently remains, a topic that generates passionate debates. Globalization advocates believe it will ultimately produce a safer, more peaceful global society. Opponents, however, argue the process only promotes corporate abuse of the labor force in the name of higher profit returns. Additionally, detractors fear the undermining of both democracy and security as globalization facilitates admittance to sectors previously not easily accessible to criminals and terrorists.³⁷

Scholars view globalization as a never-ending process as well as a by-product of the information revolution. In his book, The Lexus and the Olive Tree, Thomas Friedman defines globalization in the following manner:

Globalization involves the inexorable integration of markets, nation-states, and technologies to a degree never witnessed before – in a way that is enabling individuals, corporations, and nation-state to reach around the world farther, faster, deeper, and cheaper than ever before.³⁸

As Friedman suggests, globalization transcends territorial, socioeconomic, and political borders via a system of networks and relationships. Furthermore, this process has the capacity to influence at various levels of analysis – regional, national, and individual and non-state actors. Technology has also played a major role in the proliferation of globalization. Advances have made trade more efficient – creation of more powerful engines, for example, have cut transportation time. Technology has also made communication simpler and more practical – cell phones are now affordable enough for mainstream use.

³⁷ Ellen L. Frost, "Globalization and National Security: A Strategic Agenda" in *The Global Century: Globalization and National Security*, eds. Richard L. Kugler and Ellen L. Frost (Washington D.C.: National Defense University Press), 35.

³⁸ Thomas L. Friedman, *The Lexus and the Olive Tree* (New York: Farrar Straus Giroux, 1999), 7-8.

Globalization, therefore, may ultimately become a long-term process that will not halt until all networks and actors are fully integrated. In order to understand how globalization is a continual process towards integration, a discussion on how the process affects actors at the individual, regional, and national levels is required.³⁹

1. Individual Level and Non-state Actors

At the individual level, technological advances have made communication products relatively affordable. Consequently, more people have access to products that virtually eliminate distance. Individuals can now communicate with someone cross-country or on the other side of the world by using computers. People on opposite ends of the globe interact without any prior meeting. This facilitation of communication has allowed incidents, regardless of importance, to become world events inevitably influencing perceptions and societies. Globalization, as a result, has facilitated the proliferation and consequent integration of new cultures and ideologies to societies that may have never interacted otherwise.⁴⁰

Furthermore, globalization has facilitated operations for non-state actors such as private business corporations and non-government organizations (NGOs). In the first example, the integration aspect of globalization has decreased operational costs for many corporations. This rise in capital has allowed companies to extend beyond their respective home base and establish business ventures abroad. Major corporations have accordingly attained a position of influence by recognizing the power of combining high earnings with international networks and professional relationships. This rise in power, therefore, allows companies to voice approval or concern regarding policies potentially detrimental to their investments with greater influence.⁴¹

2. Regional Level

As described above, integration is the main objective of globalization, particularly in a peaceful region such as the Western Hemisphere. Coupled with

³⁹ Frost, *Globalization and National Security: A Strategic Agenda*, 37-38

⁴⁰ Ibid., 41

⁴¹ Ibid., 40

technological advances, the rise of democracy in the latter part of the 20th Century has created fertile ground for economic agreements to emerge within this particular region. These agreements have permitted the removal of barriers that may have at one time or another allowed for the exclusion of small, newly formed markets. Latin America's relationship with the U.S. will serve as an example of the influence globalization has had over the region's economic practices. The adoption of the North American Free Trade Agreement (NAFTA) by the U.S., Canada, and Mexico provides a quick example.

Since going into effect in 1994, NAFTA has increased economic relations between its three members: intra-NAFTA trade in 2000 represented 56.7 percent of its trade with the world; intra-NAFTA trade grew an average of 10.8 percent between 1990 and 2000, while the rest of the world only averaged 4.8 percent within the same period.⁴² However, aside from increased trade and the removal of trade barriers, NAFTA also addressed other social and political issues. This NAFTA by-product has allowed both U.S.-Mexican and Mexican-Canadian relations to increase.

3. National Level

Globalization has encouraged governments to communicate on a variety of domestic issues from international institutions like the United Nations (U.N.) while retaining their sovereignty. This has consequently allowed discussions ranging from poverty and human rights, to environmental protection to be address within an international forum. Globalization, therefore, raises awareness within the develop nations regarding issues affecting lesser-developed countries while subsequently exposing these nascent states to greater global issues. Ultimately, this desire for global inclusion motivates countries to view networks and relationships, rather than natural resources, as sources of power.

⁴² Stephen K. Keat, *A Free Trade Area of the Americas: Implication of Success Or Failure for the Members of OAS*, Working Paper Series no. 7, The North-South Center (Florida: University of Miami,[2002]), <http://www.sice.oas.org/geograph/westernh/keat.pdf> (accessed March 24, 2006), 6.

Creating new or joining existing networks, hence, will make these nations more attractive to both other nations and independent economic actors.⁴³

4. Globalization's Dark Side

In accordance with the globalization critics, the process has facilitated the lowering of certain standards; security to a certain extent is victim to this process. Considering only the legitimate business and personal transactions taking place, globalization draws governments to operate with a false sense security. As a result, criminals or terrorists once held at bay due to formerly imposed government limits now have access to the same networks used by legitimate consumers. According to Dr. Moises Naim, editor-in-chief of Foreign Policy magazine, governments are currently facing five wars in the wake of globalization: drugs, arms trafficking, alien smuggling, money laundering, and intellectual property.⁴⁴

a. Drugs

Dr. Naim argues drugs are considered the worst and most proliferated of all the five wars in his article, "The Five Wars of Globalization." The U.S. spends approximately USD\$40 billion each year in intelligence gathering and interdiction missions in the war against drugs.⁴⁵ The current U.S. anti-drug strategy involves stopping drug shipments along U.S. borders, targeting international growers and producers, and ultimately pursuing domestic distributors. Essentially, the U.S. is placing all its efforts on the supply side of the drug chain. In following this logic, policy makers target suppliers with the intention of driving up the drug costs. Even though costs have risen, the demand for drugs has not abated and thus producers continue to make a profit.

This profit, therefore, has allowed narco-traffickers the capacity to lose an inexpensive refining stations] occasionally. Furthermore, narco-traffickers are continuously finding ways to circumvent these also thanks to their

⁴³ Frost, *Globalization and National Security: A Strategic Agenda*, 40

⁴⁴ Naim, *The Five Wars of Globalization*, 28

⁴⁵ Ibid., 30

illegal earnings. As such, Dr. Naim explains drug-producers can afford to own a fleet of single-engine planes, fast-boats, and even order the construction of custom-built submarines.⁴⁶

The drug industry has become so lucrative *and* competitive countries like Bolivia, Peru, and Colombia have all been, or currently are, involved in the drug trade. The highly profitable characteristic of the drug trade have consequently allowed international drug cartels to exploit the corruption found within countries, such as the ones previously mentioned, to further their income. This transnational aspect has allowed borders to be a non-issue, increasing the difficulty of combating the drug problem.

b. Arms Trafficking

At almost 20 percent of all small arms trade, the illicit arms industry produces approximately one billion dollars a year.⁴⁷ As often is the case, criminal organizations may engage in arms trafficking simply for profit. Weapons traders indiscriminately sell their goods to the highest bidder, regardless of intent. In other cases, criminal organizations use arms as a form of payment in exchange for services rendered. Members of the Central American transnational gang, *Mara Salvatrucha*, for example, reportedly engage in weapons trafficking throughout the region as a form of fund-raising. Civil wars that ravaged El Salvador, Guatemala, and Honduras during the latter half of the 20th Century have enabled the access to small arms and explosives within the region.

Arms trafficking is not limited to just small arms – tanks, aircrafts, as well as other weapon-related articles have all surfaced in the black market at one time or another. What is more troubling is that within the last 10 years the International Atomic Energy Agency (IAEA) has confirmed the emergence of several cases of nuclear-weapons-usable material in black markets. Organizations like the IAEA believe the amount of this material to be small and,

⁴⁶ Naim, *The Five Wars of Globalization*, 30

⁴⁷ Ibid., 31

therefore, too expensive for common criminals to purchase. However, terrorist organizations with enough financial support may be able to afford such material – in which case price may no longer become an issue.⁴⁸

c. Alien Smuggling

According to the U.N., alien smuggling boasts a seven billion dollar market.⁴⁹ Most of these illegal travelers pay thousands of dollars to be smuggled into a more prosperous country than their own. Others place themselves at the disposal of the smuggling network and inevitably become indentured servants in order to pay off their debt. Yet another group exists, often comprised of kidnapped women and children, forced into the black market as commodities.⁵⁰

Of immediate concern to U.S. national security is the smuggling of illegal aliens into U.S. territory. Hundreds of thousands of illegal aliens, mostly from Mexico and other Latin American countries, enter the U.S. through Mexico in order to seek out a better life. While the majority of these illegal immigrants do not carry anti-American beliefs, the possibility exists for illegal aliens harboring anti- U.S. ideologies to enter our country as well. Consequently, the Department of Homeland Security reports authorities apprehended approximately 90,000 illegal aliens from countries known to be involved with terrorism between 2001 and 2005.⁵¹

d. Money Laundering

An undeniable by-product of globalization and economic liberalization, money laundering has been facilitated by the deregulation of markets and the introduction of new technology. Few countries can claim to be free of this issue. In fact, money laundering accounts for two to five percent of

⁴⁸ Naim, *The Five Wars of Globalization*, 31

⁴⁹ Ibid., 33

⁵⁰ Ibid., 33

⁵¹ Kevin Mooney, "Texas Sheriffs Say Terrorists Entering U.S. from Mexico," Cybercast News Service, <http://www.cnsnews.com/ViewSpecialReports.asp?Page=/SpecialReports/archive/200608/SPE20060821a.html> (accessed September 15, 2006).

the world's annual gross national product.⁵² Thanks to the development of the internet, for example, cross border transfers can be done in seconds. As such, illegal transactions are inevitably lost among the thousands of legal transactions made within the complex global financial network. These technological innovations have accordingly transformed money from a tangible asset to numbers on a screen.

e. *Intellectual Property*

The same advances in technology that enables the world to communicate quicker and more easily have also aided the counterfeit/piracy boom. The demand for globally recognized brands has also played a part, as people tend to migrate to brands that are well known. China, for example, has previously made motions to buy U.S. companies for the potential profit a particular brand may bring. Governments have attempted to copyright property through various means, one of them being the World Trade Organization's Trade-Related Aspects of Intellectual Property Rights.⁵³ In doing so, the piracy issue is brought to the forefront within forum that allows all countries, whether young and weak or large and powerful, to be on equal footing in establishing guidelines for regulation.

Globalization has allowed countries to reach out and interact more easily than ever before. Ultimately, globalization operates within a chaotic environment, as territory, geography, and time does not bind this process. Technological advances have bestowed upon people the capacity to communicate with each other as well as their respective government with much greater ease. These same technological advances have also enabled individuals to interact with communities throughout the world, free of the limitations set forth by physical, cultural, economic, or political boundaries. While these are the positive attributes

⁵² Naim, *The Five Wars of Globalization*, 34

⁵³ Ibid., 33

to globalization, a more ominous side of this long-term process unfortunately exists as seen in the black markets described above.

E. OBSERVATIONS AND CONCLUSION

Government officials, such as ex-Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, Rand Beers, maintained in 2002 a terrorist and organized crime link unavoidable, especially in a post-Cold War environment. It is evident that differences between the two groups discourage any cooperation; however, the number of similarities shared overcomes any potential obstacles to mutual aid. These similarities when combined with a besieged or failing governmental environment, supports Beers' argument since this atmosphere serves as fertile grounds where criminals and terrorists may flourish. Consequently, the facilitating aspect of globalization only adds to the inevitability of an organized crime – terrorist link.⁵⁴

1. Motivation as a Separator

While organized criminals and terrorist organizations seemingly share similar characteristics, certain equally important differences require attention. The biggest divider separating a terrorist from a criminal is motivation. Individuals may initially turn to crime in order to survive, to attain basic needs. As the process of satisfying these needs becomes easier, however, these same individuals eventually may turn to crime as the answer to support a certain lifestyle. Meanwhile, as indicated above, terrorists resort to crime in order to survive and carry out a particular mission within the boundaries of a sponsorless environment. It is need, rather than desire, that encourages terrorists to enter the criminal underground.

Motivation also plays a role in the level of violence a criminal or terrorist chooses to inflict. Organized criminals tend not to use violence for the sake of violence. In instances where criminals externally employ aggression, they use violence to protect business networks or tangible assets. Internally, criminal bosses may use brutality in the event a subordinate threatens their position or as

⁵⁴ United States Senate Committee and Judiciary Subcommittee on Technology, Terrorism, and Government Information, *Narco-Terrorism: The Worldwide Connection between Drugs and Terror*, March 13, 2002.

a way to secure loyalty through force. Criminals, therefore, will more often use violence strategically against a very specific individual or group. Terrorists, on the other hand, aim at inflicting widespread panic and damage through terror. A terrorist's use of violence, therefore, is much different from a criminal in that terrorists seek to exact as much violence as possible. Terrorists do not recognize "innocent bystanders"; as such, these organizations administer carnage indiscriminately over a particular population. Whereas criminal organizations will attempt to avoid disrupting legitimate networks in fear of possible repercussions to their own legitimate businesses, terrorists intentionally choose to exact violence on symbolic targets as well as existing officially recognized systems. Al-Qaeda's 9/11 attack on the World Trade Center did just that: kill thousands of people, while simultaneously destroying a landmark symbolizing the heart of the world's financial complex, thereby disrupting this network globally.

Finally, ideology surfaces as another facet of motivation that further distinguishes the two groups. Terrorists may eventually choose not to work with criminal entities based on ideological reasons. While terrorists may involve themselves in minor criminal activities, or use existing networks for logistical purposes, their ultimate goal remains ideological. These organizations, therefore, will attempt to avoid anything that will ultimately counter their beliefs. One example of such behavior is the reluctance of Islamic terrorists in using state corruption to their advantage. These individuals hold an inherent rejection of using bribes as it goes against their principles. To do so, essentially means to support the very system of state corruption the terrorists renounce.⁵⁵ Unlike organized crime, terrorists ultimately hold crime only as a means to an end, not the end itself. Criminals, for their part, often do not harbor anti-government

⁵⁵ Picarelli and Shelly, *Organized Crime and Terrorism*, 100

agenda like terrorist do. They are not seeking the overthrow or removal of a government, but rather the nurture of the same – it is through this corruption that their businesses flourish.

2. Terrorist-Criminal Link through Similarities

While motivation stands as the biggest difference between the two groups, the two share more similarities that suggest a terrorist-criminal link is possible. As Beers argues, these similarities arise from potential financial and logistical needs. Criminals benefit from the military expertise and weapons access provided by terrorist organizations while terrorists benefit from an established criminal network and potential consumers for illicit commodities.⁵⁶ As both operate within the context of an illicit underworld, both groups share a common enemy – government authorities.

Criminals are constantly evading scrutiny from local and state authorities. When their business crosses boundaries, such as the case with the Medellin Cartel, the law enforcement response accordingly grows to include action from more than one country. Likewise, terrorists also try to elude local and international counterterrorist scrutiny. Threats consequently multiply when terrorist decide to use crime or interact with underworld personalities to resolve financial or logistical needs. Secrecy as applied to organized crime is therefore as equally important to terrorists.

One camp highlights the issue of secrecy as a point of divergence between terrorist organizations and organized crime. Terrorists' sole aim, this group upholds, is to communicate their agenda to the world by any means necessary. The sheer nature of their existence is to spread their political message to as many places as possible, raising public awareness to whatever may be their cause. Consequently, these actions may bring undue attention to criminal organizations that prefer to operate in secrecy.

⁵⁶ United States Senate Committee and Judiciary Subcommittee on Technology, Terrorism, and Government Information, *Narco-Terrorism: The Worldwide Connection between Drugs and Terror*, March 13, 2002.

Given the post-9/11 environment the world lives in, however, secrecy is just as important to the terrorist organization as it is for organized crime. The attack on the World Trade Center could not have occurred without extensive planning leading up to the strike. A breach of security may have led terrorist plans astray, and consequently halted efforts to raise the world's awareness of their ideology. As such, in order to ensure the worldwide propagation of their message, the 9/11 terrorists used discretion in the period leading up to their attack. The risk of detection at the hands of law enforcement authorities, consequently, becomes a real threat – one that rises with the number of criminal enterprises terrorists operate.

The organizational structures found within the criminal world emerge as another similarity that may facilitate a link between the factions. Just as criminals operate in a hierarchical, decentralized or leaderless manner, so too do terrorist organizations. Terrorist organizations such as the Provisional Irish Republican Army, for example, exemplify a hierarchical structure; however, more often than not, the majority of current terrorists operate in a decentralized or leaderless manner as exemplified by Islamic radical groups. The March 11, 2004 Madrid bombings represent a good example of a leaderless terrorist organization.

Spain experienced a devastating terrorist attack that day when a string of bomb blasts ripped through commuter trains. One hundred-ninety one people died and thousands others wounded. Within a day, terrorist groups linked to al-Qaeda were claiming responsibility, threatening further action unless Spain withdrew from Iraq. Others within the Spanish government believed the bombings to be the work of Basque Homeland Freedom (ETA) organization. Nonetheless, terrorist strategically launched the attack three days before Spain's presidential elections. Spain's Socialist candidate, Jose Luis Rodriguez Zapatero, ultimately won the election. One of his first acts as president was to redeploy 1,300 Spanish troops out of Iraq.⁵⁷

⁵⁷ BBC News, "Spain Steps Up Hunt for Bombers," British Broadcasting Company, <http://news.bbc.co.uk/2/hi/europe/3599895.stm>, April 5, 2004 (accessed September 15, 2006).

Although many in the Spanish government believed ETA had a hand in the bombing, evidence revealed during the government's investigation continually pointed to Islamic extremist.⁵⁸ Ultimately, the investigation uncovered domestic fanatics actually planned, organized, and launched the attack. While authorities did not discover any official connection or physical contact to al-Qaeda itself, bin Laden reportedly became the spiritual leader and model for this leaderless group.⁵⁹ This decentralized or leaderless structure, as seen with the Madrid train bombers, therefore brings all the nuances of the leaderless or decentralized structure in tow: an acephalous environment, the emergence of "big man" versus "chiefly" authority. As a result, the eradication of such groups becomes complicated as the removal of one big man may spawn the materialization of one or multiple new leaders or offshoot organizations.

Finally, the process of globalization also emerges not only as a point of congruence, but as a facilitator to the terrorist-criminal link as well. As terrorists are more likely to operate in a decentralized manner similar to organized crime, each terrorist cell within this structure becomes responsible for fund raising to support their own immediate needs as well as the overall operation. The five black markets, as described above, therefore become the ideal medium where terrorist and criminal needs may intersect. Due to globalization and advances in technology, evasion from law enforcement within the globalized has become much easier for criminals and terrorists alike. When the exploitation of globalization is combined with a lawless environment found within the confines of

58 Leslie Crawford, "Two Years on, Parties at Odds Over Blame," *Financial Times*, <http://www.ft.com/cms/s/5824c998-b0a3-11da-a142-0000779e2340.html> (accessed September 8, 2006).

59 On February 15, 2007, Spain opened trials for 29 suspects accused of organizing and executing the attack. The trials will run through July 2007; the three judges do not expect to hand out sentences before October 2007. David E. Kaplan, "Paying for Terror," *U.S. News and World Report*, December 5, 2005, <http://www.usnews.com/usnews/news/articles/051205/5terror.htm>, (accessed September 21, 2006); and Reuters, "Madrid Train-Bombing Trial to Start in February," *The New York Times*, sec. Europe, September 20, 2006, <http://query.nytimes.com/gst/fullpage.html?res=9805E3DF1131F933A1575AC0A9609C8B63> (accessed December 20, 2006); and Sabina Castelfranco, "Voice of America News: Trial for 2004 Madrid Train Bombing Begins," *U.S. Fed News Service, Including U.S. State News* (February 15, 2007), <http://proquest.umi.com/pqdweb?did=1217185161&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed March 5, 2007).

weak or failing state, the likelihood for a terrorist-organized crime link increases. Such was the case in India during the 1990's when terrorist organizations employed the use of organized criminals.

In the afternoon of March 12, 1993, 10 bombs exploded throughout the Indian capital of Bombay. The bombs killed 257 people and injured over 700 others throughout India's economic center. Reportedly, the deaths of Muslims at the hands of Hindu fundamentalists rioting in 1992 sparked the attacks.⁶⁰

Through recovered evidence, Indian authorities linked Dawood Ibrahim, the head of an Indian criminal organization, to the attack. Prior to the strike, authorities knew Ibrahim managed a criminal network famous for extortion, prostitution, contract killing, and drug trafficking. Reportedly, the Inter-Services Intelligence of Pakistan approached the crime boss with the concept of launching an attack against several of India's important economic institutions. With the help of Dawood's financial backing, Indian nationals reportedly trained in Pakistan to carry out the bombings. Upon the successful execution of the attack, Dawood once again financially facilitated the bombers' escape to Karachi, Pakistan. The crime boss himself fled India to Karachi when authorities linked Dawood with the attack. Consequently, Dawood soon became one of India's top 10 most wanted criminals.⁶¹

Subsequent U.S.-aided Indian government investigations into the D Company have reportedly revealed links to the Islamic radical group Lashkar-e-Tayyiba as well as al-Qaeda; the latter reportedly used Dawood's criminal smuggling routes in exchange for monetary compensation. Consequently, the U.S. officially designated Dawood as a terrorist supporter in October 2003 based

⁶⁰ BBC News, "Profile: India's Fugitive Gangster," British Broadcasting Company, http://news.bbc.co.uk/2/hi/south_asia/4775531.stm, September 16, 2006 (accessed September 23, 2006).

⁶¹ Kaplan, *Paying for Terror* and B. Raman, *Dawood Ibrahim: The Global Terrorist*, South Asia Analysis Group, [2003], <http://www.saag.org/papers9/paper818.html> (accessed December 13, 2006).

on these findings. Dawood remains at large and suspected of residing in Pakistan, which continually denies his presence and has consequently rejected all requests for extradition.⁶²

Given the evidence presented, a strategic link between terrorist and organized criminals is more likely than a long-term partnership. Terrorists and criminals alike are most likely to cooperate in areas where the other has a comparative advantage. A marriage of convenience therefore ensues where agreements are not binding but rather momentary – be it a one-time event or lasting as long as both individuals who initiated the agreement honor their pact.

Scholars such as Tamara Makarenko and Chris Dishman argue there will be a rise in the number of “hybrid” organizations throughout the world. These scholars identify hybrids as organizations that initially began as strictly terrorists or criminal. As each group began progressively employing the other’s tactics, their actions slowly began to resemble a combination. Hybrids, therefore, maintain characteristics of both criminal and terrorist organization while not solely being identified as either.⁶³

While scholars, such as Tamara Makarenko and Chris Dishman, believe hybrid organizations may eventually be the norm, it is highly unlikely radical Islamic terrorists will eventually convert into full-fledged organized criminals. The religious devotion at the core of radical Islamic terrorists’ ideology would ultimately prevent this from taking place. In the end, crime is just another tool in the terrorist’s arsenal.

Ultimately, organized crime and terrorist organizations share more points of similarity than they do differences. While motivations and ideologies may differ, both revel in their decentralized organizational structure. This

⁶² The U.S. Department of the Treasury, "U.S. DESIGNATES DAWOOD IBRAHIM AS TERRORIST SUPPORTER," The U.S. Department of the Treasury, <http://www.ustreas.gov/press/releases/js909.htm>, October 16, 2006 (accessed December 13, 2006). and Raman, *Dawood Ibrahim: The Global Terrorist*

⁶³ Tamara Makarenko, "The Crime-Terror Continuum: Tracing the Interplay between Transnational Organized Crime and Terrorism," *Global Crime* 6, no. 1 (February, 2004), 131, 132; and Chris Dishman, "Terrorism, Crime, and Transformation," *Studies in Conflict and Terrorism* 24, no. 1 (2001), 43-58.

arrangement affords both criminal and terrorist alike the ability to operate in an acephalous manner. Additionally, both groups take full advantage of globalization in order to meet certain objectives. The eventual reliance organized criminals and terrorist organizations may have on each other becomes inevitable as both groups cross paths in the usage of similar networks. Although each group enters into such relationships with an amount of reservation, both benefit from the level of anonymity globalization offers. Nonetheless, while organized crime-terrorist links are possible, these relationships will most likely resemble short-lived agreements rather than lasting alliances.

III. MARA SALVATRUCHA BACKGROUND

A. INTRODUCTION

Children of Central America's bloody wars immigrated to the U.S., where they became violent gang members, then deported back to Central America to begin another generation.

National Public Radio's Mandalit del Barco, 2005⁶⁴

A common misconception holds that the western hemisphere's transitional gangs are a product of Central America. Ironically, two of the largest transnational gangs, the MS-13 and the M-18, actually have their origins in the U.S. While the public and law enforcement agencies know these gangs for their extremely violent behavior, MS-13 has spread farther and influenced more individuals thereby gaining greater notoriety of the two. MS-13, therefore, will be the focus of this chapter; a brief explanation of their origins will start the discussion. A discussion on the MS-13's organizational structure and demographic make-up follows. Finally, the chapter will close with a narrative of the current threats MS-13 presents to the region.

B. CIVIL WARS: MARA SALVATRUCHA ORIGINS

The Salvadoran Civil War, fought from 1980 to 1992, forced more than one million people, mostly peasants and farmers, to seek refuge among its regional neighbors and the U.S.⁶⁵ Refugees arriving in the U.S. initially settled in the predominantly Hispanic neighborhoods in Southern California and Washington DC. As refugees moved in, they quickly became targets of other Hispanic gangs, like the already established M-18, that did not accept the Salvadorans. The result was the creation of MS-13 – a group where Salvadoran youth could band together for protection against other gangs.

⁶⁴ Mandalit Del Barco, "International Reach of the *Mara Salvatrucha*," National Public Radio, <http://www.npr.org/templates/story/story.php?storyId=4539688>, March 17, 2005 (accessed May 16, 2006).

⁶⁵ Al Valdez, *A South American Import* (Los Angeles: Orange County District Attorney's Office, [2000]), <http://www.nagia.org/Gang%20Articles/Mara%20Salvatrucha.htm> (accessed May 16, 2006).

It is possible the western hemisphere transnational gangs like the MS-13 are the embodiment of civil war's legacy. Many original MS-13 members reportedly were prior Salvadoran Civil War veterans. Accordingly, gang members reportedly refer to the original founders as "veteranos" – Spanish for veterans. Recent literature regarding the MS-13 topic only alludes to the possibility of a Farabundo Marti National Liberation Front (FMLN) and MS-13 connection.⁶⁶ Elisabeth Jean Wood's book, Insurgent Collective Action and Civil War in El Salvador, however, supports the likelihood of this relationship.⁶⁷

During the 1979-1992 Salvadoran Civil War, Wood explains humble farm workers, known as "campesinos," chose to support the FMLN movement against the Salvadoran government. This led to a symbiotic relationship where campesinos received protection from the Salvadoran military as well as self-defense training; the FMLN, meanwhile, obtained personnel, logistical, and

⁶⁶ Formed in 1980, the FMLN upheld the interests of the five major Salvadoran leftist groups: the Central American Workers' Revolutionary Party, the People's Revolutionary Army, the Farabundo Marti Popular Liberation Forces, the Armed Forces of National Resistance, and the Communist Party of the Armed Forces of Liberation. As the leading opposition organization to the then-Salvadoran government, they denounced the series of military juntas that had been illegally controlling the country since the 1930's and sought to replace it with a Communist government. Their efforts lead to an armed conflict against the Salvadoran government, highlighted by offensives throughout the 1980's that ended with peace negotiations in the early 1990's. For additional information see MIPT Terrorism Knowledge Base, "Group Profile: Farabundo Marti National Liberation Front," Memorial Institute for the Prevention of Terrorism, <http://www.tkb.org/Group.jsp?groupID=228> (accessed March 14, 2007)..

⁶⁷ Wood, a Professor of Politics at New York University, interviewed over 200 individuals between 1987 and 1996. The author sought interviews throughout all the class and political levels of the El Salvador. She conducted interviews with the landed elites, clergy from local parishes, former FMLN commanders, high-ranking Salvadoran military officers, non-governmental organizations' staff members, and with Salvadoran government officials. Wood also interviewed external actors such as representatives from both the U.S. Agency of International Development and the United Nations Observer Mission in El Salvador. However, the author reserved the bulk of her interviews for the campesinos themselves. For more information, see Elisabeth Jean Wood, *Insurgent Collective Action and Civil War in El Salvador* (Cambridge: Cambridge University Press, 2003), 19, 20.

intelligence support.⁶⁸ When the civil war violence escalated to a level intolerable for many campesinos, however, numerous Salvadorans fled to neighboring countries or the U.S.⁶⁹

As many as 64,500 Salvadorans immigrated to the U.S. between 1981 and 1987; 6,829 immigrated to California in 1988 alone.⁷⁰ Upon becoming targets of other Hispanics, young Salvadoran men began to band together in order to protect themselves and their small community. Those men who had previously received paramilitary training reportedly formed the core of this new group, now known as *Mara Salvatrucha*.⁷¹ Previous research has not determined whether gang members reserve term “veterano” for the original founders, most of who may have experienced civil war violence, or simply a sign of respect to senior members. Wood, however, seems to reinforce the former concept, and the subsequent theory that FMLN influence may have

⁶⁸ Valdez, *A South American Import*; and Wood, *Insurgent Collective Action and Civil War in El Salvador*, 10-12.

⁶⁹ A July 2000 United Nations High Commissioner for Refugees-backed (UNHCR) Working Paper cites World Refugees Surveys taken by the U.S. Committee for Refugees and Immigrants in 1981 and 1985 which indicate a rise from approximately 87,000 to 251,700 refugees, respectively. The surveys included entries from Honduras, Nicaragua, Belize, Panama, Mexico, and the U.S. For more information see Sarah Gammage and Jorge Fernandez, *Conflict, Displacement and Reintegration: Household Survey Evidence from El Salvador* (Washington D.C.: International Center for Research on Women [2000]), <http://www.unhcr.org/research/RESEARCH/3ae6a0cb0.pdf> (accessed March 13, 2007).

⁷⁰ US Department of Commerce, Economics and Statistics Administration, US Bureau of the Census, *Statistical Abstract of the United States 1990. the National Data Book*, 110th ed. (Washington D.C.: Library of Congress, 1990).

⁷¹ Julio Cesar, Carlos Alberto Vasquez, and Ernesto ‘Smokey’ Miranda are reportedly several MS-13 founding members. These and other founding members were exposed to civil war violence in a variety of ways. Miranda, for example, received weapons training as a teenager. Like him, other founding members received paramilitary training before fleeing to the U.S., and used the knowledge later in the MS-13. For more information, see Claire Marshall, “Combating El Salvador’s Gangs,” BBC News, March 20, 2004, <http://news.bbc.co.uk/1/hi/world/americas/3553529.stm> (accessed December 16, 2005), and Mandalit Del Barco, “International Reach of the Mara Salvatrucha,” National Public Radio, March 17, 2005, <http://www.npr.org/templates/story/story.php?storyId=4539688> (accessed May 16, 2006), and 6 ABC Action News, “MS-13: An Action News Special Report,” American Broadcasting Company, WPVI-TV/DV Philadelphia Affiliate, May 22, 2006, http://abclocal.go.com/wpvi/story?section=special_coverage&id=4195376 (accessed March 14, 2007)..

unintentionally played a role in the later formation of MS-13.⁷² The training and discipline derived from the close relationship between the campesinos and the insurgents may have assisted during the initial structuring and organization of the MS-13, allowing it to grow into the present-day threat.

C. ORGANIZATION

MS-13 presents a good example of a decentralized and acephalous criminal organization, as previously discussed in Chapter II, operating in the Western Hemisphere. The gang does not seem to have a central authority orchestrating the organization as a whole. Instead, MS-13 organizes itself regionally, such as by state or province, city, or local community. Within each of these regional factions, the gang is further broken down into small “clicas” or cliques that resemble individual operating cells.⁷³ If the term “veterano” is of any indication, each clica is lead via big man-style leadership rather than by chiefly authority.

FBI reporting from 2005, however, indicated the possible occurrence of multi-clica meetings in Los Angeles where an entry-fee is required to attend. Coordination in future endeavors, discussion of new anti-gang law enforcement efforts, and sanctions against individuals who have violated the gang’s trust are all actions that purportedly take place at these meeting. If these reports are accurate, then these actions may indicate a rise in gang sophistication and organization. Nevertheless, as is the nature of a decentralized and acephalous

⁷² Wood points to three main motivators that drove campesino support for the FMLN: participation, defiance, and “pleasure of agency.” The act of participation within the insurgency movement provided the campesinos with empowerment, allowing them to feel as if they were actively changing their own destiny. Even through non-combatant support, such as in the provision of food and intelligence, campesinos felt a sense of accomplishment. This leads into the second motivator, defiance. In providing non-combatant support or ultimately becoming an insurgents themselves, campesinos expressed moral outrage against a repressive government. Wood’s third motivator, the “pleasure of agency,” refers to the emergence of self-identity among the campesinos. They accomplished this through their participation in the movement against the Government of El Salvador. These three motivators encouraged the campesinos to support the FMLN despite the high risk to their communities, ultimately becoming an essential element of the insurgent movement’s survivability. For more information see Wood, *Insurgent Collective Action and Civil War in El Salvador*, 231-237

⁷³ U.S. Committee for Refugees and Immigrants, “Mara Salvatrucha: MS-13,” Refugees.org, www.refugees.org/uploadedFiles/Investigate/ms-13.pdf (accessed May 16, 2006).

organization, competition for clca leadership as well as control over particular sectors of the networks is never ending. Consequently, inter-*mara* violence continues throughout the region.⁷⁴

D. DEMOGRAPHICS

The FBI, the National Drug Intelligence Center, and regional law enforcement agencies estimate Central America has over 62,000 members from different gangs. These members generally range between 11 and 40 years of age. Although numbers differ between countries, the overwhelming majority of *active* gang members are under 24 years of age. Consequently, 8-18 year old boys make up the group most at risk of assimilation into gang life. Children in this age group are the first to feel the brunt of living within a marginalized society. Often times they have limited to no access to educational or extra-curricular opportunities. This lack of initial investment in human capital spills over into the work force, as legitimate job opportunities are scarce for the uneducated.⁷⁵

More often than not, organizationally sponsored or community based activities, such as sports or musical programs, are not readily available to this sector of society. This results in youth gravitating towards the gang lifestyle rather than seeking out constructive endeavors. The propensity for at-risk youth to join a gang climbs when the individual is a product of a broken or abusive home or already has friends or family members active in gangs. Carlos Vasquez a founding MS-13 member agrees, "The Maras offer a code, a family to members, many of whom come from broken homes or the streets."⁷⁶ Gangs

⁷⁴ Subcommittee on the Western Hemisphere, House International Relations Committee, *Assistant Director, Criminal Investigative Division Federal Bureau of Investigation before the Subcommittee on the Western Hemisphere House of International Relations Committee*, 2005, <http://www.fbi.gov/congress/congress05/swecker042005.htm> (accessed May 16, 2006).

⁷⁵ Valdez, *A South American Import*; and USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment*, 15

⁷⁶ Jeremy McDermott, "Youths Flock to Massive El Salvadoran Gang that is their Only Chance of a 'Job'," *The Scotsman*, sec. International, April 13, 2004, <http://thescotsman.scotsman.com/international.cfm?id=416482004&format=print> (accessed May 12, 2006).

therefore are very receptive to these situations and offer potential recruits a sense of family, access to money, women, and unlimited power.⁷⁷

A MS-13 increase in membership led to a rise in the level of criminal activity perpetrated within the U.S. Local and national law enforcement efforts correspondingly increased to counter the growing MS-13 related delinquency in the U.S.; successful arrests of members and clica leadership composed much of the initial results. Once incarcerated, however, U.S. prisons became “finishing schools” for gang members. MS-13 members learned criminal skills, later used to establish their illegal networks throughout the region, while in prison.⁷⁸ When the signing of the Chapultepec Accords occurred in 1992, the U.S. subsequently began deporting many imprisoned gang members back to their home of origin.⁷⁹ Ultimately, the high volume of hardened criminals extradited to El Salvador only further overwhelmed a nascent government already engrossed with restoring order for returning refugees.

E. CURRENT THREAT

1. El Salvador

Since 1992, El Salvador’s National Council on Public Security estimates gang membership has grown to approximately 39,000, of which about 22,000 belong to MS-13.⁸⁰ Salvadoran citizens find themselves caught in the middle of

⁷⁷ U.S. Committee for Refugees and Immigrants, *Mara Salvatrucha: MS-13*

⁷⁸ Sam Logan, Ben Bain and Kate Kairies, "Deportation Feeds a Cycle of Violence in Central America," World Press, March 31, 2006, <http://www.worldpress.org/Americas/2304.cfm> (accessed March 19, 2007).

⁷⁹ Signed on January 16, 1992 in Chapultepec, Mexico, the accords were the culmination of an open dialogue between the Salvadoran government and the FMLN. While the Salvadoran government received the bulk of responsibility to construct the accords, it received assistance and guidance from USAID, the United Nations Observer Mission in El Salvador, the United Nations Development Program, the United Nations Children’s Fund, and the UNHCR. This process looked to address armed forces restructuring, creation of durable democratic institutions as well as socioeconomic development and stabilization. Embassy of El Salvador, "The Peace Accords," The Embassy of El Salvador, <http://www.elsalvador.org/home.nsf/0/2fd6010e5830065b85256b12006fcf51?OpenDocument> (accessed February 20, 2007); and James L. Roush, "The El Salvador Accords: A Model for Peace Keeping Actions," The Foundation for Peace: Peacemaking and Conflict Resolution, <http://www.promotingpeace.org/1985/1/roush.html> (accessed March 3, 2007).

⁸⁰ USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment: Annex 1: El Salvador Profile* (Washington D.C.: United States Agency for International Development,[2006]), 45

inter-gang turf wars not much different from the war zones of the 1980's, as gangs resort to instilling fear into the community. Machetes and small arms are the gang's preferred tools of trade. Equipped with these, members commit murder, muggings, and sexual assault among other more petty crimes within their communities.

According to FBI reports, approximately 10 murders occurred daily throughout 2006; gang members were allegedly responsible for about 70 percent.⁸¹ MS-13 is among the caliber of criminals described in Chapter II that extort small business and public transportation for the right to operate in their respective neighborhoods. El Salvador loses USD\$1.7 billion, or 11.5 percent of its gross domestic product, to this and similar types of criminal activity against the economic sector.⁸² According to the 2005 World Bank report El Salvador Investment Climate Assessment, "... gangs are responsible of 27 percent of the crimes committed against the surveyed Salvadoran firms."⁸³ In addition, gangs are also responsible for crimes committed against 46 percent of micro-firms and 37 percent of small firms within the survey.⁸⁴ Ultimately, gang members carry out these types of activities with a high level of violence and little regard for human life.

2. Honduras

The scenario in Honduras is not much different from El Salvador. Citizens in this neighboring country also live with the daily barrage of gang activity. A recent U.S. State Department report indicated the presence of approximately 30-40,000 gang members throughout Honduras; of these about 36,000 belong to

⁸¹ Art Marroquin, "City News Service," *City News Service*, February 7, 2007, http://web.lexis-nexis.com/universe/document?_m=ed0faf34ff7790722e503190ea5c9641&_docnum=2&wchp=dGLbVzb-zSkVA&_md5=73d8d7a7d63f0e465fbf86981cd1bbda (accessed March 2, 2007).

⁸² United Nations Development Program, *Cuanto Cuesta La Violencia?* (El Salvador: United Nations Development Program,[2005]), http://www.violenciaelsalvador.org.sv/images/stories/documentos/cuanto_cuesta_la_violencia_a_el_salvador/cuaderno_mayo2005.pdf.

⁸³ The survey consisted of in-person interviews of 465 firms of all sizes and economic sectors throughout the entire country. World Bank, *El Salvador Investment Climate Assessment* (El Salvador: World Bank,[2005]), http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2005/07/28/000012009_20050728091539/Rendered/PDF/327111SV0rev.pdf (accessed March 4, 2007), 16, 28.

⁸⁴ Ibid, 28

MS-13.⁸⁵ Although gang activity was present in Honduras during the late 1980's, members were often involved in petty crime and occasional turf wars. This changed in 1995, a year of high criminal deportations from the U.S.⁸⁶ Soon after this massive arrival, smaller unorganized gangs began to assimilate into the MS-13. As gangs grew both in numbers and in influence, members began to branch out and operate in conjunction with MS-13 members in El Salvador and later Guatemala. Criminal acts against the country's economic sector are similar to El Salvador's for both micro and small firms; however, gangs are responsible for 28 percent of crimes against large firms.⁸⁷ Facilitated by both porous borders and overwhelmed police forces, MS-13 eventually extended their criminal network to span from Honduras, through Southern Mexico, and into the U.S.

3. Southern Mexico

Originally, membership in MS-13 was exclusively Salvadorans. As the gang established and expanded its networks, however, membership opened up to Hondurans, Guatemalans and even a small number of non-Hispanic African Americans. This expansion subsequently mirrored MS-13's need to work with larger, established organizations such as the Mexican Mafia. Upon receiving recognition from the Mexican Mafia, MS-13 added the number "13" to their name as a tribute to the larger group.⁸⁸

MS-13 members' inclusion within Mexico's criminal network was subsequent to the U.S. deportation practices in the early 1990's. As gang members attempted to reenter the U.S. illegally, those that were unsuccessful settled along the Guatemalan/Mexico border. Consequently, approximately 3,000

⁸⁵ Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices -- 2005: Honduras* (Washington D.C.: U.S. Department of State,[2006]), <http://www.state.gov/g/drl/rls/hrrpt/2005/61732.htm> (accessed January 15, 2006); and Shelly Feuer Domash, "America's most Dangerous Gang," *Police: The Law Enforcement Magazine*, March, 2005, http://www.policemag.com/t_cipick.cfm?rank=90876 (accessed March 2, 2007).

⁸⁶ USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment: Annex 3: Honduras Profile* (Washington D.C.: United States Agency for International Development,[2006]), 92.

⁸⁷ World Bank, *El Salvador Investment Climate Assessment*, 28

⁸⁸ Valdez, *A South American Import*,

MS-13 members are located along Mexico's southern border.⁸⁹ MS-13's presence along the Guatemalan/Mexican has placed the gang in a position to operate key criminal networks throughout the region.

From the southern Mexican state of Chiapas MS-13, members control considerable portions of networks specializing in the smuggling of people, drugs, weapons and vehicles.⁹⁰ MS-13 smugglers use a cargo railroad to transport their illicit goods into northern Mexico. Currently, MS-13 members "own" the eastern Mexican train route that runs from Chiapas to Tabasco, through Veracruz and into northern Mexico; 90 percent of these are freight trains.⁹¹ Additionally, cartels may hire clicas to serve as security details between destinations. In the wake of the dismantling of the Mexican and Peruvian alien-smuggling rings mentioned in Chapter II, MS-13 has emerged as a primary purveyor for human smuggling within the Central American/Southern Mexico region. Through violence and intimidation, MS-13 has gained control over a majority of the railways through Mexico. As such, prospective illegal aliens – to include potential terrorists – would likely have to use this particular smuggling network in order to reach the U.S.

4. United States

The National Drug Intelligence Center estimated MS-13 membership within the U.S. at more than 8,000 members throughout 31 states, including the District of Columbia, in the early part of 2005.⁹² Furthermore, at a hearing before the Subcommittee on the Western Hemisphere House International Relations Committee, Assistant Director for the Criminal Investigative Division of the FBI, Chris Swecker, testified MS-13 is not only operating within highly urbanized communities but also, "...in places as disparate and widespread as Oregon City,

⁸⁹ USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment*, 17

⁹⁰ Cruz, *Al-Qaeda's Unlikely Allies in Central America*, 1

⁹¹ Davidson, *Terrorism and Human Smuggling Rings in South and Central America*, 3

⁹² Swecker, Assistant Director, Criminal Investigative Division Federal Bureau of Investigation before the Subcommittee on the Western Hemisphere House of International Relations Committee

Oregon, and Omaha, Nebraska.”⁹³ Apparently confirming this fear is a November 2006 Customs and Border Patrol Journal, which provides a more recent account of MS-13 membership in the U.S.: it states gang membership is now 10,000 spread across 33 states.⁹⁴ Chapter IV will look more closely at how the U.S. government and both local and federal law enforcement agencies have responded to the transnational gang threat.

F. CONCLUSION

Many scholars claim MS-13 and similar western hemisphere transnational gangs are the legacy left behind by the bloody Salvadoran Civil War. Unfortunately, the same skill-sets used to launch an insurgency – often taught to Salvadoran peasants for self-defense – MS-13 founders employed to fight a different war. What began as a united front for young Salvadoran men against other Hispanic gangs on the streets of Los Angeles grew to become a broad and powerful entity – one that not only overcame rival gangs, but also overwhelmed governments. The combat techniques, organization, and discipline instilled by the FMLN during its early formations allowed the MS-13 to remain a formidable force when deported members returned to El Salvador. Gang members used this training, combined with the “street smarts” accumulated while gangbanging in the U.S., to exploit weaknesses within the new Salvadoran government and its nascent democracy. MS-13 took full advantage of an environment described in Chapter II, where little or weak law enforcement allowed them to hone their criminal skills with little threat of arrest.⁹⁵

Once establishing a foothold within the region, MS-13 became attractive to the marginalized youth. MS-13 became the foster family for homeless young men, youth from broken or abusive homes, individuals who had little or no education and thereby unemployable – all seeking a way to survive.

⁹³ Swecker, Assistant Director, Criminal Investigative Division Federal Bureau of Investigation before the Subcommittee on the Western Hemisphere House of International Relations Committee

⁹⁴ Linda Kane, "CBP Confronts U.S.'s 'Most Dangerous Gang'," *U.S. Customs and Border Protection Today* 4, no. 10/11 (2006), http://www.cbp.gov/xp/CustomsToday/2006/october_november/dangerous_gang.xml (accessed March 1, 2007)

⁹⁵ Picarelli and Shelly, *Organized Crime and Terrorism*, 94-95

Membership came with the price of violence, however; something often overlooked and embraced by existing and potential members alike. This indiscriminate use of violence has forced citizens in the region to relive the terror so many attempted to avoid during the civil war years. Likewise, the high level of gang activity has affected the regions economy to a point where international investors are leaving the area while potential firms are thinking twice before investing.

Transnational gangs like MS-13 have successfully established criminal networks throughout the region that in one form or another come into contact with each of the five black markets covered in Chapter II. Moreover, the success of their illegal doings and their violent tendencies has earned the MS-13 the right to work with existing entities, such as the Mexican Mafia, with little threat from rival actors. The rapid rate at which the MS-13 and similar transnational gangs have spread throughout the northern Central American area has prompted regional governments into action.

Chapter IV, therefore, addresses the different courses of action Central American governments have taken in response to the transnational gang problem. Strategies on addressing the gang issue divide the region. Certain countries have chosen to pursue a heavy-handed approach, where authorities place emphasis solely on law enforcement aspects. Other countries, however, have adopted a multifaceted method, where law enforcement is only part of a bigger solution. Ultimately, a better understanding of the potential factors causing this rise of violent crime within the region is required in order to address this regional problem.

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IV. CURRENT RESPONSES TO TRANSNATIONAL GANGS

A. INTRODUCTION

Lack of public security in Central America has emerged as the biggest threat to state legitimacy in the region. Of particular consequence to this threat is the growth of transnational gangs. Countries throughout Central America have taken measures to address this problem. However, there are as many different approaches to the transnational gang problem as there are countries. How have countries chosen to counter this crisis? In order to answer this question, the thesis will first deal with what factors may cause the rise in violent crime throughout the region. Next, the research will look at El Salvador and Honduras as case studies for the use of heavy-handed approaches to the problem. Following, I will look at alternative methods to resolving the gang issue as exemplified by Nicaragua and Panama. As we live in a world where globalization is bringing different societies together, the discussion will turn to how heavy-handed and multi-faceted approaches serve to influence other countries with similar problems; Guatemala, a country still undecided on an official anti-gang course of action, will serve as a case study for such countries. Finally, after this regional outlook is complete, the paper will address how the U.S. has chosen to respond to the transnational gang issue and how its strategies may become a model for regional action. The reader may take away a better understanding as to why certain countries may have chosen one particular course of action over another. In the end, the research will also help to explain why a multi-faceted approach to this issue will fare better than one solely focusing on law enforcement efforts.

B. WHO OR WHAT IS TO BLAME

It is easy to blame the U.S. and its deportation practices for the growth of gang activity in Central America. As was previously addressed in Chapter III, the 1992 Chapultepec Accords allowed many Central American civil war refugees to leave the U.S. and return to their countries of origin. Consequently, the U.S. deported hundreds of imprisoned gang members back to their home countries,

no questions asked. This soon became a problem for authorities in countries like El Salvador where criminals cannot be lawfully detained for crimes committed abroad. Central American countries, therefore, released these individuals upon their return. This legal loophole consequently allowed violent and street-smart gang members to live freely in countries governed by war-weakened administrations more preoccupied with post-war reconstruction. Gang members inevitably took advantage of the political and social conditions to launch their illicit operations and establish criminal networks resembling modern U.S. gang structures.

While U.S.' deportation practices are the most evident reason for the growth of gang activity in Central America, it is but one of many. There are those who point to social inequality pre-dating gang member deportations as the primary rationale for the rise in both petty crime and violent gang activity. Alfonso Gonzales, a Seymour Melman Fellow from the Institute for Policy Studies argues that severe social and economic disparity as a result of neo-liberal market reforms are the cause of not only a general rise in crime throughout the Central American region, but more specifically, the escalation of gang activity.⁹⁶

1. Economic Liberalization

As neo-liberal reforms appear to be the leading reason for the overwhelming rise in crime throughout Central America, a look into the region's historical economic events is first required. Import substitution industrialization (ISI) became the leading economic development strategy immediately following World War II, lasting into the 1970's. ISI perpetuated development throughout the region at the cost of the rural sector. This allowed for the emergence of unequal levels of protectionist measures that favored the urban sector of society. As industrial growth flourished in the cities, agricultural growth dropped in the countryside due to the increasing taxation on exports. When primary exports failed to raise adequate levels of revenue, subsidies to the industrial sector hurt

⁹⁶ Gonzales, *Rethinking U.S. Involvement in Central America's War on Gangs: The Case of El Salvador*, 11

the government budget.⁹⁷ By the early 1970's, countries still implementing ISI measures were characterized by economies unable to compete internationally. As a result, Latin America slowly shifted from the state-controlled system of ISI, to a more open market structure.

With this economic liberalization process, most Latin American countries began launching neo-liberal market reforms in the 1990's. This economic restructuring called for austere measures aimed at ultimately preparing these financial systems to enter the international economic arena. While reform advocates expected an inevitable emergence of economic "winners" and "losers" because of this "shock-treatment," they only predicted this to be the case for the short-term. Reformers' long-term expectations were that economic losers would eventually become winners due to opportunities present in an open market environment. Ultimately, economic reforms did deliver successful economic stabilization for many Latin American countries in the short-run. Unfortunately, the long run benefits expected to make a difference in the poorer sectors of society did not trickle down as quickly as projected even though unemployment levels slowly dropped an average of one-half to three percent between 1990 and 2000.⁹⁸

In addition to the unemployment level, poverty levels throughout Central America slowly dropped but remained high during the same 10-year period. (Table I) The rural and poor urban sectors were the most affected: a majority of the public programs cut had benefited this specific societal segment. Furthermore, many previously state-owned enterprises were privatized forcing companies to lay-off employees in order to remain competitive.

⁹⁷ Cardoso and Helwege, *Import Substitution Industrialization*, 159

⁹⁸ International Labor Organization, *LABORSTA Internet: Yearly Data*

Table 1. Central American National Poverty Levels (%).⁹⁹

Year	1991	2000
El Salvador	64.4	39.6
Guatemala	N/A	75 (2004)
Honduras	74.8	65.9 (1999)
Nicaragua	69.7 (1993)	65.2 (1998)
Comparison		
United States	10.7 (1990)	8.6

This unequal income distribution and the lack of basic social services provided motivation for rural and poor urban youth to seek other venues in order to survive in the reform-created vacuum. Gonzales argues a rise in both crime and youth gang activity emerges out of this neo-liberal aftermath.¹⁰⁰ Echoing his argument is Wilmer Antonio Salmeron, a gang member imprisoned in El Salvador on drug charges who explains, “I ran away from home, and [the gang] gave me money, a place to sleep. Maybe it was the wrong step I took, but I had

99 More specific reporting for Guatemala during the 1990's is not available. For more information, see World Bank, *El Salvador Poverty Assessment: Strengthening Social Policy* (El Salvador: World Bank,[2005]), http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&theSitePK=523679&entityID=000160016_20060111134320&searchMenuPK=64187283&theSitePK=523679 (accessed December 10, 2006); and World Bank, *Honduran Poverty Diagnostic 2000* (Honduras: World Bank,[2001]), <http://wbIn0018.worldbank.org/LAC/lacinfoclient.nsf/Author/By+Author/A72B6E649070BEA185256AEA00605C21?OpenDocument> (accessed December 10, 2006); and World Bank, *Nicaragua Poverty Assessment: Challenged and Opportunities for Poverty Reduction* (Nicaragua: World Bank,[2001]), http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&theSitePK=523679&entityID=000094946_01032105504860&searchMenuPK=64187283&theSitePK=523679 (accessed December 10, 2006); and US Department of Commerce, Economics and Statistics Administration, *US Bureau of the Census, Statistical Abstract of the United States: 2001. the National Data Book*, 121st ed. (Washington D.C.: Library of Congress, 2001).

100 Gonzales, *Rethinking U.S. Involvement in Central America's War on Gangs: The Case of El Salvador*, 12

no options."¹⁰¹ Compounding this situation with a post war environment where an overall weak judicial system exists sets the foundation for an atmosphere where crime is an easy solution.

2. Violence and Overwhelmed Police Forces

Since no official databases exist that tracks crime and violence throughout the region, scholars and international non-government organizations (INGO's) revert to the number of reported homicides as a rough indicator. In a special report found in the January 2006 issue of *The Economist*, the number of homicides in 2004 is alarming. There were 46 per 100,000 people murdered in Honduras; El Salvador followed with 41; Guatemala had 35. In comparison, the U.S. had 5.7 for that same year.¹⁰² As Rolando Gamez, a resident of Escuintla – a town 28 miles southwest of the capital, Guatemala City – maintains, "This is a war and the gang members are winning."¹⁰³ One must keep in mind, however, these numbers only indicate *reported* murders. While it is highly certain countless other murders take place and are not reported, the actual number of these is unknown.

Unidentified murders, as well as victims of violent crimes, go unreported for a number of reasons. For one, victims of violent crimes or family members of homicide victims do not come forward for fear of their own safety. Often times, violent gang members perpetuate these crimes, threatening victims and their families with bodily harm in the event authorities are involved.

A second reason lies in the public distrust in police forces often found within the countries of Central America. This may be a holdover from the historic

¹⁰¹ Mary Jordan, "Central America's Gang Crisis; Prison Riots Reflect Widening Violence in Poor Nations," *The Washington Post*, September 17, 2004, <http://proquest.umi.com/pqdweb?did=694408001&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed July 10, 2006).

¹⁰² The Economist, "Special Report: Out of the Underworld - Criminal Gangs in the Americas," *The Economist* 378, no. 8459 (January 7, 2006), 23, <http://libproxy.nps.navy.mil/login?url=http://proquest.umi.com.libproxy.nps.navy.mil/pqdweb?did=960502411&Fmt=7&clientId=11969&RQT=309&VName=PQD> (accessed September 8, 2006).

¹⁰³ Will Weissert, "Guatemala Gangs: Guards Supplied Weapons," *Associated Press Online*, sec. International News, August 16, 2005, 2005, http://web.lexis-nexis.com.libproxy.nps.navy.mil/universe/document?_m=e70a068caa7e9e69e41b193e4474dddf&_docnum=76&wchp=dGLbVtb-zSkVb&_md5=305553fd341834c65ab883a36cb4d3d7 (accessed May 16, 2006).

relationship between police forces and citizenry in this region. Police and military forces in El Salvador, Honduras, and Guatemala, for example, historically operated with little regard for human rights. Another reason lies in the lack of both training and funding police forces receive that subsequently creates an overwhelming backlog. As a result, cases go cold and leads are lost. All the while, the average citizen loses faith in a state institution perceived as ineffective and indifferent to public security.

Finally, this lack of trust in the police also affects the public's perception of government competence. The police force is the first line of defense against violent criminals and often times serves as the only manifestation of state presence; this institution becomes a de facto litmus test in assessing the citizenry's perception of government legitimacy. Armed with this perception of inefficiency, citizens begin to question the capacity of their government.

This negative view, in turn, increases the potential reservation citizens may have with a process that does not seem to guarantee their security. A United States Agency for International Development (USAID)-funded public opinion survey supports this point, indicating that victims of crime have less confidence in democratic institutions.¹⁰⁴ As a product of poverty and social inequality, these violent criminal activities pose a threat to regional security and democratic process.¹⁰⁵ Militaries of governments besieged by transnational gangs may consequently perceive their civilian leadership weak and ineffective when dealing with gang violence. In much the same way military-led coups occurred to prevent the spread of Communism following the Cuban Revolution, militaries within these governments may attempt similar reactions aimed at

¹⁰⁴ The Latin American Public Opinion Project, *The Political Culture of Democracy in Mexico, Central America and Colombia, 2004* (Tennessee: Vanderbilt University Press,[2004]).

¹⁰⁵ United Nations, *Democracy in Latin America: Towards a Citizen's Democracy* (New York: United Nations Development Programme,[2004]), 37, 184.

reestablishing public security through martial law.¹⁰⁶ Even though citizens sacrificed large amounts of freedoms, people recall the low incidence of crime. Therefore, as the USAID survey suggests, and historical precedents imply, citizens may be sympathetic in the event an authoritarian-like government were to emerge because of rising crime levels.

C. HEAVY HANDED RESPONSES: EL SALVADOR AND HONDURAS

A total of 1,751 people were killed in the first half of [2005]... the equivalent of nine people a day... 59 percent of the murders were carried out by the maras, often in inter-gang turf wars.

Caribbean & Central America Report, 2005¹⁰⁷

Since 2003, both the Salvadoran and Honduran governments began to institute legislation aimed at curtailing the growing transnational gang problem. The two countries have officially adopted a heavy-handed approach as the means to responding to their current gang situation. At the core of the legislation is the strong emphasis on law enforcement as the primary response to gangs. El Salvador's "Mano Dura" legislation, inaugurated in 2003 by the Francisco Flores Administration called for zero-tolerance of gang activity and the use of heavy-handed tactics to punish criminal behavior. Its follow-on, Antonio Saca's 2004 "Super Mano Dura" offered the same, while increasing the National Police's power in making arrests. However, the legislation remains subjective in regards to what constitutes a gang member. This leeway provides the Salvadoran police with the authority to question and ultimately arrest young men without due

¹⁰⁶ Fearing the spread of Communism through the region after the success of the Cuban Revolution, many Latin American militaries staged coup d'états, often condoned by the U.S. Militaries overthrew governments in Brazil, Peru, Chile, and Uruguay, for example, in 1964, 1968, and 1973, respectively. Global Security, "Brazil Generals' Coup (1964)," Global Security.org, <http://www.globalsecurity.org/military/world/war/brazil.htm> (accessed March 6, 2007); and Library of Congress, "Peru: Military Reform from Above, 1968-80," Library of Congress, [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+pe0035\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+pe0035)) (accessed March 6, 2007); and Library of Congress, "Chile: Military Rule, 1973-90," Library of Congress, [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+cl0042\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+cl0042)) (accessed March 6, 2007); and Library of Congress, "Uruguay: The Emergence of Militarism, 1972-73," Library of Congress, [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+uy0032\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+uy0032)) (accessed March 6, 2007).

¹⁰⁷ Intelligence Research Ltd, "El Salvador: Saca Changes Tack on Violent Crime," *Caribbean & Central America Report*, July 19, 2005, 2005, http://web.lexis-nexis.com.libproxy.nps.navy.mil/universe/document?_m=e47013f8f949937bd6a441112da93251&_docnum=1&wchp=dGLbVlz-zSkVA&_md5=08bbbd81b58ea3f7055c87801a2cc642 (accessed September 15, 2006).

process of the law. Young men need only to give the *perception* of gang activity: appearance and social background set the foundation for profiling. As a result, the National Police made approximately 11,000 arrests within one year of *Super Mano Dura*'s enactment.¹⁰⁸

The Honduran government followed El Salvador's lead and passed similar anti-gang legislation in 2003. Then-President Ricardo Maduro won the election on an anti-*mara* platform. As such, his *Ley Anti-Mara* mirrored much of what El Salvador already had put into practice with the original *Mano Dura*: a strong emphasis on law enforcement while possessing a subjective interpretation of gang involvement that consequently led to indiscriminate arrests.

Both countries' anti-gang legislation also stipulated changes in the legal process of accused gang members. El Salvador's *Super Mano Dura* demands gang members found guilty serve a maximum of five years while gang leadership, nine. Furthermore, the Salvadoran law declared children 12 years of age eligible for trial in adult courts. In Honduras, anti-gang legislation stiffened the maximum prison sentence for adults involved in gang activity from 12 to 30 years in December 2004.¹⁰⁹

1. Citizenry Reception

The Salvadoran and Honduran public initially welcomed the implementation of these anti-gang laws with open arms. Rafael Guardado, a mechanic living in Ilopango, six miles east of San Salvador said, "Before [Mano Dura], taxis wouldn't even drive here. It was too dangerous. But now you don't even see the gangs."¹¹⁰ In their eyes, their government was finally taking action

¹⁰⁸ USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment: Annex 1: El Salvador Profile*, 52

¹⁰⁹ Clair Ribando, *Gangs in Central America* (Washington D.C.: Library of Congress,[2005]), 3.

¹¹⁰ Chris Kraul, "El Salvador Comes to Grips with Gangs; Deportees from U.S. Feed the Violence of Groups Targeted in Disputed Crackdown." *Los Angeles Times*, December 13, 2004, <http://libproxy.nps.navy.mil/login?url=http://proquest.umi.com.libproxy.nps.navy.mil/pqdweb?did=762093691&Fmt=7&clientId=11969&RQT=309&VName=PQD> (accessed May 10, 2006).

against the violent crime produced by the transnational gangs – Guardado continues, "It's working, and they should tighten it even more. Bring in the army to patrol too."

A 2004 Salvadoran Interior Ministry-backed public poll indicated over 70 percent of those questioned believe *Super Mano Dura* was successful. A 14 percent drop in murders and the overall crime in 2004 translated to an approval rating of eighty percent for President Saca that same year. In Honduras, a 60 percent decline in gang violence increased the public's support for these draconian laws. Given these results, both the Salvadoran and Honduran public willingly welcomed what they perceived as the only way to regain security and order to streets and neighborhoods.¹¹¹

2. Critiques

Two years later, however, all this changed – the same radical anti-*mara* laws aimed at ensuring security are now being held responsible for doing just the opposite. According to the San Salvador Institute of Legal Medicine (Instituto de Medicina Legal de San Salvador), murders between January and May 2006 *increased* seven and half percent compared to the same timeframe in 2005.¹¹² This data seems to echo a CID-Gallup opinion poll also conducted in El Salvador this past June: 65 percent of participants felt crime rose in the past two years; 61 percent believed El Salvador's current anti-*mara* legislation has not been effective.¹¹³

¹¹¹ Teresa Borden, "El Salvador Racked by Gangs," *Cox News Service*, January 19, 2005, http://www.knowgangs.com/gangs_news/extra/news_articles_038.htm; and Ribando, *Gangs in Central America*, 3; and Kraul, *El Salvador Comes to Grips with Gangs; Deportees from U.S. Feed the Violence of Groups Targeted in Disputed Crackdown*, 1

¹¹² Intelligence Research Ltd, "EL SALVADOR: Third Time Lucky for Saca?" *Caribbean & Central America Report*, August 15, 2006, 2006, http://web.lexis-nexis.com.libproxy.nps.navy.mil/universe/document?_m=12394f23aa4ce3e946e735ac192235e7&_docnum=9&wchp=dGLbVlz-zSkVA&_md5=8dede864cd610c4504e2c01394b0ee66 (accessed September 15, 2006).

¹¹³ According to Cid-Gallup Marketing, a typical survey consists of approximately 1,200 face-to-face interviews. Cid Gallup Marketing, "Cid Gallup Public Opinion: Methodology," Cid Gallup Market Research, Latinoamerica, <http://www.cidgallup.com/opinion.cfm> (accessed March 4, 2007); and Intelligence Research Ltd, "EL SALVADOR: Saca Launches New Anti-Mara Initiative," *Caribbean & Central America Report*, June 20, 2006, 2006, http://web.lexis-nexis.com.libproxy.nps.navy.mil/universe/document?_m=29960be662a780cdade2ec8ecc8d1bc4&_docnum=10&wchp=dGLbVlz-zSkVA&_md5=84fdf6380e567377ae1cec90f654eda5 (accessed September 15, 2006)

These latest results have only served to support local human rights groups and international organizations, such as the U.N., in their call for the overhaul of current anti-gang legislation. In a letter to President Saca, Amnesty International pressed Saca's administration to abolish *Super Mano Dura*, highlighting the unconstitutionality of the legislation.¹¹⁴ Furthermore, the U.N. Committee on the Rights of a Child also condemned the legislation arguing *Super Mano Dura* violates the International Convention on the Rights of the Child.¹¹⁵

Honduras has experienced similar public backlash to its *Ley Anti-mara*. A combined U.N. and National Autonomous University of Honduras violence and crime-tracking project indicated, "...710 murders were reported in the first quarter [of 2006], 100 more than in the same period in 2005."¹¹⁶ Human rights advocates have also lobbied against hard-line anti-gang legislation in Honduras. Maria Luisa Borjas, a former Honduran police commissioner, criticized the countries' tactics saying police target, "...the poorest barrios without arrest warrants... grab the first three young people they find and present them as suspects."¹¹⁷ Reina Rivera, President of the Center for Research and Promotion of Human Rights, a Honduran non-profit organization also supports this argument, "The government's political stance is based on a strictly short-term, repressive law-enforcement approach. Here in Honduras, it is a crime to wear a

¹¹⁴ Libertad Con Dignidad, "El Salvador Background Information: Plan "Mano Dura" [libertadcondignidad.org](http://www.libertadcondignidad.org), <http://www.libertadcondignidad.org/getinformed/antigang.htm> (accessed May 16, 2006).

¹¹⁵ In 1989, UNICEF spearheaded a convention to establish an internationally recognized agreement identifying the basic rights for individuals under the age of 18. The convention that names 54 articles and two Optional Protocols based on four principles: non-discrimination; protecting a child's best interest; the right to life; and regard for child opinion. United Nations Children's Fund, "Convention on the Rights of the Child," United Nations Children's Fund, <http://www.unicef.org/crc/> (accessed March 3, 2007).

¹¹⁶ Thelma Mejia, "Central America: Soaring Violent Crime Threatens Democracy," Inter Press Service/Global Information Network, http://web.lexis-nexis.com.libproxy.nps.navy.mil/universe/document?_m=1510bd11830acaaaec16390faa078efe&_docnum=1&wchp=dGLzVlz-zSkVb&_md5=08fde649e46d9ffab8ea9c1d2537fdf9 (accessed September 15, 2006).

¹¹⁷ Libertad Con Dignidad, *El Salvador Background Information: Plan "Mano Dura,"* and Del Barco, *International Reach of the Mara Salvatrucha*

tattoo or to dress in a certain manner.”¹¹⁸ Crime throughout northern Central America has been endemic for so long as a result of transnational gangs, civil rights organizations fear the unjust arrests of innocent citizens are taking place.

a. Central American Prison Systems

The current state of regional penal systems emerges as another point of contention for civil liberties organizations. Regionally speaking, prison overpopulation presents the most serious threat to prisoner welfare. According to a 2006 U.S. Department of State Country report, in 2005 El Salvador, “...there were 12,176 prisoners held in 21 correctional facilities and two secure hospital wards with a combined designed capacity for 7,372 persons.”¹¹⁹ Consequently, the sheer number of prisoners in these facilities has made rehabilitation programs near impossible.

This overpopulation allows for the open use of drugs, alcohol, and weapons – all of which corrupt prison guards often facilitated.¹²⁰ The low availability of proper medical care is another by-product of the high prisoner population. In facilities throughout the region, prisoners infected with tuberculosis and other highly infectious diseases mix with the general population; in others, psychiatric care is not readily available.

Ultimately, the combination of all these conditions provides a festering ground for violence that leads to the segregation of rival gangs housed within the same facility in order to reduce the incidences of violence and murders behind bars. “The violence of the gangs never ends, not even when you lock them up,” claims Maria Ophelia Ortiz Quinteros, whose nephew died during a

¹¹⁸ Jos Eduardo Mora, “Honduras: Rights Groups Protest New Anti-Gang Police Measures,” *Global Information Network* December 31, 2004, <http://proquest.umi.com/pqdweb?did=772701691&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed July 10, 2006).

¹¹⁹ Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices -- 2005: El Salvador* (Washington D.C.: U.S. Department of State, [2006]), <http://www.state.gov/g/drl/rls/hrrpt/2005/61727.htm> (accessed January 15, 2007).

¹²⁰ Rich Lopez and Richard Connell, “Activists Seek Aid for Inmates in El Salvador; they Say Many of the Prisoners, Who have Staged Hunger Strikes Over Alleged Mistreatment, are Southland Deportees.” *Los Angeles Times*, October 6, 2005, <http://proquest.umi.com/pqdweb?did=907187151&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed March 4, 2007).

2004 inter-gang riot at a Honduran prison. Quinteros' account emphasizes the fact that incarceration does not prevent transnational gangs from continuing to operate their criminal network. In fact, gang leaders find it safer to conduct business from behind prison bars than out on the street. Assistant Director of Investigations in El Salvador, Douglas Omar Garcia Fumes, agrees, "They continue to operate even after they're arrested. Orders to kill are coming out of our prisons."¹²¹ In an effort to curb gang activity by jailing criminals, these hard-line gang laws have inadvertently converted the prison system into a criminal graduate school.

b. Vigilante Organizations

Of equal concern to international civil rights organizations is the alleged emergence of vigilante groups throughout the region. One of the better-known death squads presumed to be in existence is the El Salvador-based "Sombra Negra."¹²² This group supposedly enlists the participation of rogue cops and military members to target gang members via extrajudicial justice. Members of these vigilante groups comb neighborhood streets after hours in search of potential targets. In a report issued by the human rights organization Casa Alianza states vigilante groups were allegedly responsible for, "...2,879 children and young adults under the age of 23..." killed between 1998 and October 2005 in Honduras.¹²³

Central American countries have vehemently rejected the existence of such vigilante groups, officially rejecting their operations. In 2003, for example, Honduras' then-Security Minister Oscar Alvarez denied government approval of vigilante groups, "...first of all, it is a not a policy of the state and, secondly, we have made it very clear to the police that if they do it, they will be

¹²¹ Terry Frieden, "Massive International Sting Nets 660," Cable News Network, http://web.lexis-nexis.com.libproxy.nps.navy.mil/universe/document?_m=ded1b67bebacb23b1729cdcaf91afcee&_docnum=1&wchp=dGLzVlz-zSkVb&_md5=e04ef911f21d008aaebac2194c026c62 (accessed May 16, 2006).

¹²² Valdez, *A South American Import*

¹²³ Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices -- 2005: Honduras*

prosecuted to the full extent of the law.”¹²⁴ Consequently, the countries have expended resources in order to disavow these organizations. Further quelling allegations of secret state-sponsored death squads purposely created to target gang members, the Honduran government launched an investigation that same year. After two years of investigating, however, efforts only yielded arrests of eight former Honduran National Police officers.¹²⁵

D. ALTERNATIVE RESPONSES: NICARAGUA AND PANAMA

Regional neighbors, such as Nicaragua and Panama have also taken measures to deal with gang activity. However, unlike El Salvador and Honduras, Nicaragua and Panama have opted to pursue a different route in suppressing gang activity and criminal behavior in general. Rather than enacting anti-gang legislation that places heavy emphasis on law enforcement, Nicaragua and Panama have elected to invest in programs that also include bigger emphasis on prevention and intervention efforts.

Nicaragua shares a border with Honduras to the north; across the Gulf of Fonseca on its Pacific coast lays El Salvador. Although proximate to countries that are home to the transnational gangs like the MS-13, there is little to no *mara* presence in the country. This is extremely odd, especially since Nicaragua fits most of the requirements needed for the propagation of transnational gangs: post-conflict reconstruction, high level of inequality in income distribution, and little or no access to proper education. This is not to say there are no gangs in Nicaragua – there are. The difference is the majority of these gangs do not affiliate with any transnational gang. Because of this, these gangs operate differently than MS-13.

¹²⁴ Duncan Campbell, "Murdered with Impunity, the Street Children Who Live and Die Like Vermin," *Guardian Unlimited*, May 29, 2003, <http://www.guardian.co.uk/international/story/0,3604,965820,00.html> (accessed September 15, 2006).

¹²⁵ Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices -- 2005: Honduras*; and Indira A. R. Lakshmanan, "Death Squads Said to Target Youths," *The Boston Globe*, sec. World, April 19, 2006, http://www.boston.com/news/world/articles/2006/04/19/death_squads_said_to_target_youths/ (accessed January 15, 2007); and Manuel Bermdez, "Americas: Death Squads Prey on Gang Members Deported by U.S." *Global Information Network* (September 7, 2005), <http://proquest.umi.com/pqdweb?did=892919221&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed January 15, 2007).

These gangs resemble the “neighborhood” or “barrio” gangs found in the U.S. during the 1940’s and 1950’s. Most of these gangs existed to represent their local neighborhood, and usually organized to defend its honor. Initially these gangs participated in petty crime. With the onset of drugs, however, these gangs became more involved with narcotrafficking beginning in the early 2000’s.¹²⁶ The mentality to generate personal profit through any means necessary consequently replaced the need to maintain honor.

Although there was an increase from 110 to 184 gangs between 1999 and 2004, gang membership has been on a decline. In 2005, the National Police reported the existence of 108 gangs in the country. Unlike El Salvador and Honduras’ homicide levels, the Nicaraguan National Police reports indicate a rate of eight homicides per 100,000. The question remains, nevertheless, as to why transnational gangs have not established a foothold in Nicaragua.¹²⁷

Globalization may provide one *possible* answer to this question. Through this on-going process, reports have been flooding out of El Salvador and Honduras as to the actions taken by their National Police. As MS-13 and other transnational gangs have surely made advances to build a network within Nicaragua, it is plausible local gangs in fear of governmental punishment similar to that of El Salvador or Honduras’ may have rejected any further foothold. Hence, in an attempt to protect their own criminal monopoly within the country and to concurrently repel unwanted law enforcement attention, Nicaraguan gangs may have *purposely refused* associating with violent transnational gangs.

Scholars propose another theory that incorporates a former Sandinista program. In the late 1970’s, early 1980’s the Sandinistas stood-up a social network known as the Sandinista Defense Committee. They created this

¹²⁶ USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment: Annex 5: Nicaragua Profile* (Washington D.C.: United States Agency for International Development,[2006]), 124-125.

¹²⁷ Dennis Rodgers, "From Primitive Socialism to Primitive Accumulation: Gangs, Violence, and Social Change in Urban Nicaragua 1997-2002," *Center for Research on Latin America and the Caribbean Bulletin* 2, no. 3 (February, 2003); and USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment: Annex 5: Nicaragua Profile*, 125

network in order to provide the public a form of local government. Although these committees were initially tasked with the food distribution and neighborhood improvement responsibilities aimed at deterring general crime and criminal violence, this extensive “neighborhood watch” program that covered the entire country soon became a tool to monitor the public’s whereabouts. Coupled with this program, the country launched an officer-training program intended to professionalize the police force. Both Panama and Cuba assisted Nicaragua in this professional development endeavor. Their efforts were a success: 1,600 communities collaborated with 1,500 police officers to combat and reduce crime. While this network is no longer as powerful as it was in the 1980’s, an echo of the original system remains within the Nicaraguan memory. Researchers believe this network became Nicaragua’s first line of defense to ward off the MS-13 threat.¹²⁸

Like Nicaragua, Panama also boasts a low homicide rate – two per 100,000.¹²⁹ The country’s gang situation is similar to Nicaragua’s in that they exist to preserve neighborhood honor and have not shown any level of organization along the lines of transnational gangs. According to the Department of State, most of what occurs in Panama is petty crime such as armed robbery and muggings. Panamanian government reports indicate, “...juvenile delinquency is not a problem, because the majority of crimes are committed by

¹²⁸ Mike Edwards, “Nicaragua, Nation in Conflict,” *National Geographic* 168, no. 6 (June, 1985), [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+ni0025\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+ni0025)) (accessed January 10, 2007), 786; and USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment: Annex 5: Nicaragua Profile*, 130

¹²⁹ Global Integrity, “Panama Country Facts,” Global Integrity.org, <http://www.globalintegrity.org/2004/country.aspx?cc=pa&act=facts> (accessed September 18, 2006).

adults.”¹³⁰ While there is a presence of youth gangs in Panama, they are not at the core of the majority of crimes committed.

1. Legislation

Nicaragua and Panama initially opted for heavy-handed approaches, similar to El Salvador’s *Super Mano Dura*, to resolve the issue of crime and gang activity. During the late 1990’s, Nicaragua’s government realized the heavy-handed anti-gang tactics employed were not producing successful result. This development led Nicaragua’s National Police to redirect their strategy toward more preventative measures. For Panama, attempts at a heavy-handed approach were more recent: in July 2004, then-President Mireya Moscoso pushed legislation that mirrored El Salvador and Honduras’ laws. By September 2004, however, newly elected President, Martin Torrijos, reversed Moscoso’s concept and introduced *Plan Mano Amiga*.¹³¹

Torrijos’ answer to countering criminal and gang activity is a program with social rehabilitation at its core. This U.N. Children’s Fund-backed plan provides educational and social opportunities aimed at developing and preparing Panama’s youth for the future. The government geared *Mano Amiga* for the at-risk youth found in the poorest sections of Panama’s two major cities: Colon and Panama City. These programs introduce themes such as teamwork, self-appreciation, and personal drive through team sports, culture, and community involvement. The program’s ultimate goal is to provide alternatives to crime and gang life for an ambitious 10,000 14-17 year olds.¹³²

¹³⁰ Human Rights Watch, *Panama: Reject Harsh Laws on Youth Offenders* (New York: Human Rights Watch,[2004]), <http://hrw.org/english/docs/2004/07/23/panama9131.htm> (accessed August 31, 2006).

¹³¹ Human Rights Watch, *Panama: Reject Harsh Laws on Youth Offenders*; and USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment: Annex 5: Nicaragua Profile*, 128

¹³² Intelligence Research Ltd, "Torrijos Takes Soft Approach to Mara Problem," *Latinnews Daily*, September 29, 2004; and Clare Ribando, *Gangs in Central America* (Washington D.C.: U.S. Library of Congress,[2007]), <http://www.wola.org/gangs/CRS22141.pdf> (accessed March 5, 2007), 4; and Tiwy.com, "Gobierno De Panama Lanza Proyecto 'Mano Amiga' Para La Formacion Del Adolescente," Tiwy.com, <http://www.tiwy.com/noticias/2004/esp-10.phtml> (accessed August 31, 2006).

Nicaragua has been able to take the same approach, thanks to the absence of transnational gangs within its borders as previously mentioned. Its social program tries to capture at-risk youth's attention well before they begin a life of crime. In addition to the successful civilian-police interaction found throughout Nicaragua, representatives of government-funded social organizations ensure they have an overt presence within the marginalized urban neighborhoods. There, these organizations through their representatives become a fixture of the local community, often providing athletic and cultural outlets for youth to develop. Still other organizations make available basic educational courses and tutoring services to prepare them with fundamental employment skills.¹³³

Nicaragua continues reaching out to youth through its program even after they have gone the way of crime. Unlike El Salvador and Honduras, police encourage gang members to open dialogue without the fear of arrest. Through this contact, police and social workers attempt to convince gang members to live a life without crime. For those already incarcerated, Nicaragua's penal system also extends rehabilitation opportunities to its prisoners. Unlike its counterparts in Honduras and El Salvador, Nicaragua's correctional system provides a rehabilitation program open to all prisoners willing to take part. The rehabilitation programs resemble those beyond prison walls: educational, cultural, and counseling sessions are available. Furthermore, minimum wage jobs offered while in jail present prisoners with an opportunity to reintegrate into society. Given the on-going success of the current rehabilitation programs, the Nicaraguan government is not considering any further anti-gang laws.¹³⁴

E. THE SEEMINGLY UNDECIDED: GUATEMALA

Although Guatemala has also suffered from the arrival of transnational gangs, the country is somewhere in between the heavy-handed and soft-

¹³³ COAV Newsroom, "Nicaragua Bets on Social Programs in Gang Prevention," Comunidad de Segura, <http://www.comunidadsegura.org/?q=en/node/11705> (accessed May 16, 2006).

¹³⁴ Ibid; and USAID Bureau for Latin American and Caribbean Affairs Office of Regional Sustainable Development, *Central America and Mexico Gang Assessment: Annex 5: Nicaragua Profile*, 128

approach responses. Much like El Salvador and Honduras, the Guatemalan government opted to launch a heavy-handed strategy early on. Similar to *Super Mano Dura* and *Ley Anti-Mara*, police arrest individuals based on the perception of gang involvement – subsequently overwhelming its already unresponsive and corrupt judicial system.

Guatemalan President Oscar Berger won the 2003 presidential election on a strict anti-crime platform aimed at reducing transnational gang operations. Shortly after entering office in 2004, Berger began to lobby for the development of strict anti-*mara* legislation. Berger followed up his efforts by signing into the Central American Integration System (SICA) security agreement in April 2005. This regional agreement formalized cooperation among the Central American countries, opening the way for better intelligence and information sharing as well as better collaboration between National Police forces and criminal justice authorities.¹³⁵

Even though this is the case, Berger's administration has refused to formalize the current domestic anti-*mara* strategy into official legislation. Since his 2004 inauguration, Berger has slowly emerged as a supporter of the soft approach strategy. This is perhaps due to the fact Berger is only the second democratically elected Guatemalan president since the end of the 36 year long internal conflict in 1996.¹³⁶ In a war in which hundreds of thousands people died at the hands of state-sponsored agencies, the issue of human rights violations remains fresh to this day.

Consequently, Berger has sought middle ground in his efforts of bolstering domestic security while at the same time protecting his constituents' civil liberties. It is evident Berger has taken notice of the criticism both El Salvador and Honduras have drawn from civil liberty rights organization as a result of their anti-

¹³⁵ Secretaria de Integración Económica Centroamericana, "Reunión Extraordinaria De Jefes De Estado Y De Gobierno De Los Países Del Sistema De La Integración Centroamericana," [sieca.org](http://www.sieca.org), http://www.sieca.org.gt/publico/reuniones_presidentes/declaracion_conjunta_01-04-05.htm (accessed November 8, 2006).

¹³⁶ Answers.com, "Guatemala," The Columbia Electronic Encyclopedia, Sixth Edition, <http://www.answers.com/topic/guatemala> (accessed December 13, 2006).

mara legislation. The level of criticism against the Berger administration's use of strong-arm tactics against transnational gangs is relatively low – when compared to its two southern neighbors; this is most likely a result of the government's unwillingness to establish formal anti-*mara* legislation.¹³⁷ Therefore, the level of international criticism in combination with reports indicating the failure of heavy-handed tactics reinforces President Berger's resolve to reject current petitions for similar legislation and seriously consider the implementation of a multi-faceted resolution to the *mara* problem.

F. U.S.: CURRENT RESPONSE

The emergence of transnational gangs has gained the attention of officials at all levels of the U.S. government. From the national to tactical levels the U.S. has proposed legislation and set in motion programs to counter the rising national and regional threat posed by transnational gangs. At an April 2005 hearing before the Subcommittee on the Western Hemisphere House of International Relations Committee, members of U.S. law enforcement agencies, USAID, and non-government organizations provided testimonies regarding the on-going issue of gang violence. These agencies described their participation and introduced measures regarding both law enforcement and deterrence efforts against gangs in Central America.

At the legislative level, Republican Senator Richard Lugar of Indiana introduced the North American Cooperative Security Act, S.853. Presented on April 20, 2005, the legislation underwent review by the Senate Foreign Relations Committee. The purpose of the bill was to increase cooperation among U.S., Canadian, and Mexican officials in order to create enhanced security administrative procedures. The bill would have established a Central American gang-tracking database, in addition to better working relations aimed at increasing intelligence sharing between member nations. S.853 arrived at the heels of H.R.1279 or the Gang Deterrence and Community Protection Act of

¹³⁷ Intelligence Research Ltd, "CENTRAL AMERICA: Redesignating Antigang Schemes as Antiterrorist," *Latin American Weekly Report*, February 8, 2005, http://web.lexis-nexis.com.libproxy.nps.navy.mil/universe/document?_m=5c101a5c7d5f1878b1f59bbe6bd2f196&_docnum=1&wchp=dGLbVlz-zSkVA&_md5=9d8ccbc35478193262fb0fe95cd3e084 (accessed September 15, 2006).

2005, which called for increased punishment for individuals who were involved in gang activity. The House of Representatives passed H.R.1279 on May 5, 2005, and consequently passed the bill for Senate review. As the 109th Session of Congress closed in January 2007, however, the Senate never voted on either S.853 or H.R. 1279. Consequently, neither bill ever became law. Nevertheless, the transnational gang issue remains a hot topic thereby increasing the likelihood lawmakers may introduce similar legislation in the future.¹³⁸

As for law enforcement efforts, the FBI is including MS-13 among its National Gang Strategy Priority Groups. This has allowed the FBI to take active measures in countering MS-13 violence. One such effort highlighted by the Assistant Director for the Criminal Investigative Division of the FBI, Chris Swecker, was the formation of a National Gang Intelligence Center (NGIC). This center serves as the central node in coordinating, analyzing, and disseminating all collected counter-gang intelligence among local, state, and federal actors throughout the country.¹³⁹ In serving as an information enabler between different governmental agencies, NGIC ensures full involvement at all levels. Mr. Swecker also announced during his testimony the creation of an organization subordinate to the NGIC, the FBI's MS-13 National Gang Task Force (MS-13 NGTF).

Founded in December 2004, the MS-13 NGTF aims to disrupt the MS-13 within the U.S. before the gang becomes better organized. The MS-13 NGTF's objectives are similar to that of the NGIC; however, they focus more on the dissemination of information about, identification of, and the multi-jurisdictional operations against MS-13 activity. MS-13 NGTF's core participants currently

¹³⁸ Ribando *Gangs in Central America* [2007], 5; and *North American Cooperative Security Act*, S.853, 109th session, (April 20, 2005), <http://www.govtrack.us/congress/bill.xpd?tab=summary&bill=s109-853> (accessed August 23, 2006); and *Gang Deterrence and Community Protection Act of 2005*, H.R. 1279, 109th session, (March 14, 2005), <http://www.govtrack.us/congress/bill.xpd?tab=main&bill=h109-1279> (accessed August 23, 2006).

¹³⁹ Swecker, *Assistant Director, Criminal Investigative Division Federal Bureau of Investigation before the Subcommittee on the Western Hemisphere House of International Relations Committee*

include the Drug Enforcement Agency; Bureau of Prisons; Customs and Border Protection; Bureau of Alcohol, Tobacco, and Firearms; and the Department of State.¹⁴⁰

Several operations have served to highlight the success of interagency cooperation in halting MS-13 illicit activity. The first successful example of coordination efforts took place in February 2005. During this operation, Federal and Texas State law enforcement agencies collaborated to successfully arrest a MS-13 personality responsible for the December 2004 Honduras bus massacre that killed 28 people.¹⁴¹ Another example was a nationwide U.S. Immigration and Customs Enforcement-led effort to apprehend and deport illegal aliens living in the U.S. Between February and March 2005, authorities successfully arrested 103 transnational gang members in New York, Los Angeles, Washington, Baltimore, Miami, and New Jersey. Perhaps the biggest testament to the success of these approaches, however, took place in September 2005. Over 6,400 government agents from the U.S., El Salvador, Honduras, Guatemala, and Mexico collaborated via a joint command post located at the FBI Washington headquarters. The two-day joint international operation yielded 660 MS-13 gang member arrests.¹⁴²

More recent government action has also taken place to further address the gang problem. In early 2007, the International Chiefs of Police Summit on

¹⁴⁰ Swecker, *Assistant Director, Criminal Investigative Division Federal Bureau of Investigation before the Subcommittee on the Western Hemisphere House of International Relations Committee*

¹⁴¹ Honduran courts found two MS-13 gang members guilty in February 2007 for participating in the attack. Although Honduran law stipulates prisoners can only serve maximum of 30 years, prosecutors are seeking 20 years for each count of homicide – totaling 560 years per prisoner. Freddy Cuevas, "Honduras: 2 Gang Members Convicted in 2004 Bus Attack that Killed 28," *Associated Press Worldstream*, sec. International News, February 21, 2007, http://web.lexis-nexis.com/universe/document?_m=2267851946c24e5c56097f7527ff0404&_docnum=1&wchp=dGLzVzz-zSkVA&_md5=c1cb9181d804b18e8318346788cd67e9 (accessed March 3, 2007).

¹⁴² Frieden, *Massive International Sting Nets 660*; and Swecker, *Assistant Director, Criminal Investigative Division Federal Bureau of Investigation before the Subcommittee on the Western Hemisphere House of International Relations Committee*; and Donna Leinwand, "103 Immigrants Arrested in Nationwide Gang Crackdown," *USA Today*, sec. News, May 15, 2005, http://web.lexis-nexis.com.libproxy.nps.navy.mil/universe/document?_m=3b3b46b580bb8b623769eb35baea1485&_docnum=2&wchp=dGLbVtb-zSkVb&_md5=ba5bd933fe49cfc77d2ecfe47a1ea975 (accessed May 16, 2006).

Transnational Gangs took place in Los Angeles. During the February 7-9 summit, more than 100 U.S. Federal and local law enforcement agents convened with counterparts from Belize, Canada, El Salvador, Guatemala, Honduras, and Mexico. Consequences emerging from veteran gang members' practice of illegal U.S. entry and consequent deportation to further gang operation provided the primary theme for the three-day summit.¹⁴³

At the summit, J. Stephen Tidwell, assistant director of the FBI Los Angeles Field Office acknowledged, "Los Angeles is ground zero for modern gang activity."¹⁴⁴ Further supporting his position is a January city-funded report indicating the presence of approximately 40,000 gang members within the Los Angeles City.¹⁴⁵ Consequently, Los Angeles officials took actions reminiscent of those announced by Chris Swecker at the April 2005 Subcommittee hearing. Los Angeles Mayor Antonio Villaraigosa and Police Chief William J. Bratton announced on February 8 plan to address the gang problem within the Californian city. The strategy calls for the establishment of a unit specifically designed to investigate gang-related homicides. The mayor and police chief anticipate over 200 police officers to comprise the unit – 120 of which will be detectives. An additional 10 FBI agents will also complementing the organization responsible for Los Angeles' South Bureau region. Consequently, all anti-gang efforts throughout the city will fall under the purview of a department-wide administrator. In acknowledging Los Angeles' role in the anti-gang effort and the

¹⁴³ Randal C. Archibold, "Officials See A Spread in Activity of Gangs," *New York Times*, February 8, 2007, <http://proquest.umi.com/pqdweb?did=1212438841&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed March 4, 2007); and Patrick McGreevy, "Gang Summit Ends with Pledge of Cooperation," *Los Angeles Times*, February 10, 2007, <http://proquest.umi.com/pqdweb?did=1213687091&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed March 4, 2007).

¹⁴⁴ Archibold, *Officials See A Spread in Activity of Gangs*

¹⁴⁵ Ibid.

consequent proposed course of action centering on intelligence sharing, Villaraigosa and Bratton laid the foundation for the rest of summit's agenda.¹⁴⁶

Accordingly, the representatives expanded on the conference's theme by recognizing the need for better communication between North and Central American law enforcement agencies. Attempting to address short-term needs, such as intelligence sharing, and long-term preventative solutions, the participating members identified four proposals by the summit's end. First, the countries agreed to the significant need to improve intelligence sharing specifically on gang member who use the legal system to travel across borders. This is in accordance with a February 5, 2007 announcement made by U.S. Attorney General Alberto Gonzales regarding the creation of a Department of State-backed Transnational Anti-Gang Unit specifically tailored for the northern Central American countries. Second, summit members proposed a massive anti-gang media campaign with internationally known celebrity sponsors. Third, governments expressed a desire to establish an exchange program designed for mid and high-level law enforcement officers. The final proposal calls the establishment of a gang member database with assistance from the FBI's NGIC. Participating countries plan to derive a "Top 20 Most Wanted Gang Members" program to help with international tracking efforts. Ultimately, the representatives plan to present the proposals for consideration at the April 2007 International Gang Conference in El Salvador.¹⁴⁷

¹⁴⁶ Patrick McGreevy and Richard Winton, "LAPD Targets City's Worst Gangs; More than 200 Officers Will Crack Down on the most Dangerous Groups. Officials Acknowledge that the Strategy is Controversial," *Los Angeles Times*, February 9, 2007, <http://proquest.umi.com/pqdweb?did=1213096771&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed March 4, 2007); and Los Angeles Times Editorial Pages Desk, "Ganging Up on Gangs; the Bratton-Villaraigosa Plan is the most Tangible of the Recent Anti-Gang Proposals. Much More is Needed." *Los Angeles Times*, February 13, 2007, <http://proquest.umi.com/pqdweb?did=1214891111&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed March 4, 2007).

¹⁴⁷ McGreevy, *Gang Summit Ends with Pledge of Cooperation*; and Oxford Analytica, "CENTRAL AMERICA/ U.S.: Gangs Need Urgent Cooperation," *OxResearch* (February 13, 2007), <http://proquest.umi.com/pqdweb?did=1219218741&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed September 15, 2006).

G. CONCLUSION

El Salvador, Honduras, and to a certain extent Guatemala, all appear to have answered an immediate need put forth by their constituents. As described above, the regional unemployment and poverty rates played into decisions made by at-risk individuals. Although unemployment and poverty rates both decreased throughout the 1990's, they did so at slow pace. When these two factors combined with nascent democracies more preoccupied with reconstructing their political, judicial, and economic infrastructures, vacuums within the system inevitably emerge. Consequently, these gaps become attractive to groups aiming to exploit fissures within the governmental process and develop a criminal network strong enough to transcend territorial borders.

Each of these three countries have undertaken radical measures not *just* to end a problem quickly, but ensure its termination and provide resolution their constituents security concerns. This need to rectify a growing public security problem, therefore, pressed these governments into action. As described above, however, the means do not necessarily justify the end.

Based on my research, it seems constituents *do* want their governments to resolve the transnational gang issue and are willing to sacrifice a certain level of civil liberties. When governments do not achieve desired results, though, and the actual outcome reflects a much graver situation than before government intervention, citizens begin to question whether sacrifices made were necessary. While the international arena did not have a direct influence or the *initial* establishment of the anti-*mara* laws by El Salvador and Honduras, the aftermath of *Super Mano Dura* and *Ley Anti-mara* does serve as an example to the rest of the Central American countries. Since Nicaragua and Panama do not experience the devastating level of gang activity El Salvador, Honduras, and Guatemala do, they had the opportunity to observe, analyze, and finally put into practice a comprehensive legislation that addressed security concerns while protecting civil liberties.

In this regard, El Salvador and Honduras – in a sense – have shaped the direction their southern neighbors have taken and the path Guatemala is attempting to undertake. The human rights criticism appears to have prompted the southern Central American countries to confer with domestic and INGO representatives when shaping anti-gang legislation in their own respective countries. Furthermore, recent statistical data regarding *Super Mano Dura's* and *Ley Anti-mara's* lack of success have served to not only reassure Nicaragua and Panama in their decision to follow a multi-faceted approach, but also influence Guatemala's President Berger in seeking out a more human-rights-friendly solution to the *maras* problem.

Central American countries need to reevaluate whether the current punishment fits the crime. Supporters of the heavy-handed legislation argue for the employment of even stricter laws as the only approach suitable for the overwhelming transnational gang problem. If this is the case, it will only be a matter of time before regional authorities brand transnational gangs as terrorists as was done to narco-traffickers after 9/11. Calling these gangs terrorists will undeniably allow governments to become eligible for counter terrorism funding. In an April 2005 testimony before the Committee of International Relations, U.S. House of Representative Subcommittee on the Western Hemisphere, USAID Assistant Administrator for the Bureau for Latin America and the Caribbean, Adolfo Franco, captured the severity of the gang issue for governments in Central America. Mr. Franco explained, "The Presidents of Honduras and El Salvador have called gangs as big a threat to national security in their countries as terrorism is to the United States."¹⁴⁸ In view of this severity, political supporters of heavy-handed methods consider El Salvador, Honduras, and Guatemala are taking too long to react. Guatemalan President Berger, for

¹⁴⁸ Committee on International Relations, U.S. House of Representatives, Subcommittee on the Western Hemisphere, *Gangs and Crime in Latin America*, 2005, <http://usinfo.state.gov/dhr/Archive/2005/Apr/21-965427.html> (accessed December 3, 2006).

example, is currently facing-off with two political parties who advocate a formalized legislation strictly favoring law enforcement.¹⁴⁹

When choosing to follow such a strict strategy, governments need to remain vigilant of signs indicating their tactics may be hindering civil liberties. Unfortunately, as explained in the cases of El Salvador and Honduras, government officials did not properly identify these indicators. The uninhibited and highly subjective arrests of youth based on the mere appearance of gang lifestyle should have been the first warning. The virtual witch hunts that ultimately overwhelmed the judicial systems in both countries; this should have been the second indication. Government officials should have recognized the third sign when the time for releasing arrested gang members without going before a judge changed from days to mere hours. The ultimate indication the punishment does not fit the crime should have become apparent when gang members entered prison novice recruits and left refined criminals.

If these four rationales are of any indication, countries need to take a multi-faceted approach in attempting to resolve this issue. A proper plan against youth gangs needs to include prevention and intervention aspects to compliment law enforcement. Much like the Nicaraguan model, such a plan needs to target at-risk youth early on. Any new strategy also needs to be flexible to approach troubled youth looking to leave the gang life or to reform an already incarcerated gang member into a valuable asset to society. For their part, both El Salvador and Honduras are seemingly attempting to completely overhaul their strategies, or at the very least modify their current approach, and follow in the footsteps of Nicaragua and Panama.

The first signs of change in Honduras came with the election of Manuel Zelaya in 2005. His platform included, among other issues, a change in the way the Honduran government would deal with the gang problem. While not completely doing away with Honduras' current zero-tolerance anti-gang policy, Zelaya is attempting to establish talks with gang leaders, promising the institution

¹⁴⁹ Intelligence Research Ltd, *CENTRAL AMERICA: Redesignating Antigang Schemes as Antiterrorist*

of a new rehabilitation program. In exchange for this move, Zelaya has asked gang leaders to instruct members to, "give up their weapons and their criminal ways."¹⁵⁰ In what seems to be a direct cue from Nicaragua, Zelaya's program also calls for the allocation of funding towards an increase of the National Police's personnel as well as towards the formation of a neighborhood crime-watch program for communities throughout the nation.

Meanwhile, El Salvador's President Saca has also arrived at the conclusion certain changes in combating the *mara* problem are required. In June 2006, the Saca administration unveiled its "*Plan Maestro de Seguridad*." This new plan appears to be an attempt at addressing the human rights violations accusations that plague both "*Mano Dura*" and "*Super Mano Dura*." By instructing its National Police to be more selective when making arrests, the Saca administration expects more emphasis placed on observing the rule of law. The administration believes this more nuanced approach will spur more investigations that are comprehensive as well as reduce the backlog within the judicial system. Additionally, the plan calls for a restructuring of both the National Police and the Attorney General's office.¹⁵¹

As for the U.S., national law enforcement entities must continue interacting with their respective Central American counterparts. Application of lessons learned from joint operations, such as those that took place in September 2005, and continual development must occur. Assisting with additional technical training and operational guidance for both law enforcement police institutions as well as judicial personnel will be crucial for Central American

¹⁵⁰ Freddy Cuevas, "Honduras Talks to Gang Members about Rehabilitation, but Won't Withdraw Anti-Gang Law," *Associated Press Worldstream*, sec. International News, February 14, 2006, http://web.lexis-nexis.com.libproxy.nps.navy.mil/universe/document?_m=7365d2eb8c45478bc8436d91fe7dfb94&_docnum=1&wchp=dGLbVtb-zSkVb&_md5=b6d5d48927f107b03954717f37575160 (accessed February 16, 2006).

¹⁵¹ Intelligence Research Ltd, *EL SALVADOR: Saca Launches New Anti-Mara Initiative*; and Intelligence Research Ltd, *EL SALVADOR: Third Time Lucky for Saca?*; and Intelligence Research Ltd, "EL SALVADOR: New Plan to Tackle Violent Crime," *Latinnews Daily*, June 14, 2006, http://web.lexis-nexis.com.libproxy.nps.navy.mil/universe/document?_m=29960be662a780cdade2ec8ecc8d1bc4&_docnum=1&wchp=dGLbVlz-zSkVA&_md5=8130e534a600d910f5f008e0b9142fcf (accessed September 15, 2006).

governments that have no established foundations in fighting entities with the capacity transnational gangs currently possess.

Ultimately, relying on strong-arm tactics alone is not the answer to the transnational gang problem. There is no argument violent criminal acts are morally terrible. It is very important, nonetheless, for governments to exhaust every channel of dialogue in deciding the constitutionality of a given course of action. Heavy-handed anti-gang laws may provide the answer for short-term success. Unfortunately, long-term repercussions to the stability of government institutions as well as civil liberties may eventually overshadow any future progress made against transnational gangs.

V. CONCLUSION

A. WESTERN HEMISPHERE TRANSNATIONAL GANG-TERRORIST LINK IS PLAUSIBLE

In his article “Al-Qaeda’s Unlikely Allies in Central America,” former Salvadoran Diplomat, Carlos Mauricio Pineda Cruz, argues the likelihood of a western hemisphere transnational gang-terrorist link is low. Cruz highlights four main reasons why such a connection is doubtful: the decentralized organizational structure of gangs like the MS-13; the difference in ideological objectives; the widely publicized notoriety of MS-13; and the rejection of seeing the U.S.-Mexican border as an ideal point of entry into the U.S.¹⁵² Given the evidence presented throughout this thesis, however, my research offers different views that support a conclusion on the possibility of short-term alliances between transnational gangs and terrorist organizations within the western hemisphere region.

Skeptics like Cruz who call into doubt the likelihood of a link between gangs like MS-13 and terrorists first question the gang’s organizational structure:

The Maras are not a centralized organization...they are a highly decentralized transnational criminal network... they do not have the central decision making mechanism to establish a relationship with a sophisticated, non indigenous organization like al-Qaeda.¹⁵³

This decentralized characteristic may in fact attract terrorists to MS-13. As explained in Chapter II, groups within a decentralized criminal network frequently operate with little to no communication between each other; a level of anonymity is in place. Thus, a covert terrorist cell working with any given MS-13 *clica* may do so without alarming the rest of the MS-13 network. Furthermore, many transnational criminal gangs like MS-13 are already operating in a decentralized manner. These MS-13 run networks often are nothing more than “business agreements” between local and regional *clicas* that can be cancelled or altered at

¹⁵² Mr. Cruz is a former Salvadoran diplomat who has served as his country’s representative in both Mexico and Venezuela. Cruz, *Al-Qaeda's Unlikely Allies in Central America*, 4-5

¹⁵³ Ibid., 4

any time – depending on the immediate and strategic needs of their operation. This established system, therefore, becomes attractive to a terrorist organization like al-Qaeda seeking to resolve an immediate logistical need without fear of entering into a long-term contract.

The second argument Cruz raises concerns ideological differences, “The Maras do not have an anti-American agenda.”¹⁵⁴ While ideology does represent a potential reason for MS-13 and terrorists not to work together, it is not *the* deciding factor preventing a MS-13-terrorist collaboration. Terrorists may become involved in minor criminal activities, or use existing networks for logistical purposes without ever losing sight of their ultimate ideologically driven goal. Terrorist following the Takfir wal Hijra doctrine, for example, operate differently from other radical Islamists. Their sole aim is to assimilate into their surrounding environment, often cutting their beards and donning western-style clothing, in order to carry out their operation. Furthermore, “...Takfiris also indulge in petty crime, credit card fraud, and drug dealing to finance their activities.”¹⁵⁵

Criminals, like the MS-13, usually do not harbor an anti-American agenda like terrorist do. They are not seeking the overthrow of the U.S. government. Rather, MS-13 seeks to exploit government weaknesses through corruption in order to ensure their networks flourish. MS-13 has successfully established criminal networks throughout the region that in one form or another come into contact with each of the five black markets covered in Chapter II. Moreover, the

¹⁵⁴ Cruz, *Al-Qaeda's Unlikely Allies in Central America*, 4

¹⁵⁵ Takfir wal Hijra has its roots within the Muslim Brotherhood, a religious and political organization founded in 1928 in Egypt that desired to return to the original teachings of the Qu'ran. In 1971, Muslim Brotherhood member Shukri Mustafa founded Takfir wal Hijra. Takfir believers have certain leeway from their strict Muslim practices in order to avoid exposure while planning and ultimately executing terrorist operations. Al-Qaeda, for example, has embraced with the implementation of their sleeper cells. Keith Johnson in Berlin and David Crawford in Madrid, “New Breed of Islamic Warrior is Emerging; Evidence in Madrid Attack Points to Takfiris, Who use Immigration as a Weapon,” *Wall Street Journal*, March 29, 2004, <http://proquest.umi.com/pqdweb?did=592034031&Fmt=7&clientId=65345&RQT=309&VName=P> QD (accessed March 8, 2007); and Bruce Livesey, “The Salafist Movement,” Public Broadcast Service: Frontline, <http://www.pbs.org/wgbh/pages/frontline/shows/front/special/sala.html> (accessed March 8, 2007); and Answers.com, “The Muslim Brotherhood,” Columbia University Press, <http://www.answers.com/topic/muslim-brotherhood> (accessed March 8, 2007).

success of their illegal doings and their violent tendencies has earned the MS-13 the right to operate in the region with little threat from rival actors. Unlike terrorists, MS-13 does not hold crime as a means towards a greater end, but rather as the end itself. Therefore, ideology, or loyalty for that matter, does not become an obstacle when the subject involves money.

Cruz' third point as to why a transnational gang-terrorist link is unlikely contends:

The Maras are a public and widely know organization, which makes them unlikely partners for an ultra-secretive network like al-Qaeda... This is especially the case since many of their members are well known to local and federal law enforcement agencies.¹⁵⁶

Normally, criminals do not want undue attention to their actions as it may trigger law enforcement reprisal ultimately leading to a potential loss of revenue. Consequently, criminals strategically carry out any decisions and subsequent actions. This is especially crucial when employing violence against business rivals or prying state officials. Criminals, therefore, typically prefer to operate in society's shadow – coveting secrecy to secure their business.

Highly recognized MS-13 activity, however, have attracted the national-level attention of El Salvador, Guatemala, Honduras, and U.S. governments. El Salvador and Honduras have opted for heavy-handed strategies to eradicate the gang problem with the implementation of *Super Mano Dura* and *Ley Anti-Mara*, respectively. These heavy-handed laws place strong emphasis on law enforcement as the primary response to gangs. The zero-tolerance core of this form of legislation extends a certain amount of leeway for police forces to question and arrest young men without due process of the law. Unfortunately, the laws remain subjective as to what constitutes a gang member as the mere *perception* of gang activity provides enough justification for law enforcement action.

These hard-line laws have instilled a certain level of fear within gang members. In an effort to survive and avoid the police, MS-13 members are

¹⁵⁶ Cruz, *Al-Qaeda's Unlikely Allies in Central America*, 4

learning to adapt. New rules, for example, reportedly forbid new recruits from acquiring visible tattoos identifying them as MS-13, as is the custom among gang associates. The same holds true with apparel: most MS-13 members now avoid wearing “gangster-style” or “hip-hop” clothing, choosing more casual and conservative looking attire. As highlighted by these examples, the repressive nature of these current anti-*mara* laws is forcing gang members “underground.” Currently MS-13 leadership does not seem to originate from a central authority but rather from within local and regional clicas. As gang members become more reclusive, however, the likelihood they will cooperate and rely on each other to survive increases. Ultimately, the more this new “underground” existence continues to develop and take hold throughout the gang, the probability increases a formerly acephalous MS-13 may eventually organize around a possible leadership node embedded within its criminal network. If FBI reports of alleged multi-clica meetings are any indication, the potential for a higher level of organization already exists within the MS-13.¹⁵⁷

Finally, Cruz provides his fourth reason as why a link is improbable:

Although the U.S.-Mexico border is vulnerable to penetration – a reality underscored by the many migrants that cross it every day – this fact alone does not make it the first choice of entry to the U.S. for al-Qaeda. The very fact that the border is vulnerable to penetration means that it is subject to constant surveillance by a multitude of U.S. agencies, including the intelligence community.¹⁵⁸

Cruz concedes in the same article the presence of MS-13 run smuggling networks specializing in human, weapons, and drugs among other goods.¹⁵⁹ MS-13 transports these goods via a cargo railroad that stretches from southern to northern Mexico. Recent allegations from the Texas Sheriffs’ Border Coalition in 2006, however, highlight entry into the U.S. via Mexico is still a viable option for terrorists. Rather than attempting to cross the border as individuals fitting

¹⁵⁷ Swecker, *Assistant Director, Criminal Investigative Division Federal Bureau of Investigation before the Subcommittee on the Western Hemisphere House of International Relations Committee*

¹⁵⁸ Cruz, *Al-Qaeda's Unlikely Allies in Central America*, 4-5

¹⁵⁹ *Ibid.*, 4.

established terrorist profiles, potential terrorists are reportedly attempting to assimilate within the Hispanic culture. Terrorists may be learning Spanish, dressing, and behaving like locals. Sheriff Sigifredo Gonzalez of Zapata County, Texas explains, "To avoid apprehension, we feel many of these terrorists attempt to blend in with persons of Hispanic origin when entering the country."¹⁶⁰ Supporting this claim is the continual collection of questionable objects, such as "...Iranian currency, military badges in Arabic, jackets and other clothing,"¹⁶¹ found around known human smuggling hotspots along the border. Gonzalez describes articles found around such a hotspot in Jim Hogg County, Texas, "We see patches on jackets from countries where we know al Qaeda to be active."¹⁶²

Currently, MS-13 members "own" the eastern Mexican train route that runs from Chiapas to Tabasco, through Veracruz and into northern Mexico; 90 percent of these are freight trains.¹⁶³ In the wake of the dismantling of the Mexican and Peruvian alien-smuggling rings mentioned in Chapter II, MS-13 has emerged as a primary purveyor for human smuggling within the Central American/Southern Mexico region. Hundreds of thousands of illegal aliens, mostly from Mexico and other Latin American countries, enter the U.S. through Mexico in order to seek a better life. While the majority of these illegal immigrants do not carry anti-American beliefs, the possibility exists for illegal aliens harboring anti- U.S. ideologies to enter our country as well. Consequently, the Department of Homeland Security reports authorities apprehended approximately 90,000 illegal aliens from countries known to be involved with terrorism between 2001 and 2005.¹⁶⁴ As MS-13 controls the majority of the railways through Mexico, prospective illegal aliens – to include potential terrorists – would likely have to use this particular smuggling network in order to reach the U.S.

¹⁶⁰ Mooney, *Texas Sheriffs Say Terrorists Entering U.S. from Mexico*

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Davidson, *Terrorism and Human Smuggling Rings in South and Central America*, 3

¹⁶⁴ Mooney, *Texas Sheriffs Say Terrorists Entering U.S. from Mexico*

B. RECOMMENDATIONS

Given the evidence presented, I conclude a strategic link between terrorist and organized criminals is more likely than a long-term partnership. Terrorists and criminals are most likely to cooperate in areas where the other has a comparative advantage. A marriage of convenience therefore ensues where agreements are not binding but rather momentary – be it a one-time event or lasting as long as both individuals who initiated the agreement honor their pact.

Regional and independent country action must continue in order to eliminate and ultimately prevent an environment leading to an MS-13-terrorist link. Central American countries need to continue to work together as well as closely monitor the constitutionality of anti-gang legislation adopted as it applied to their government. Failure to do so may incur human rights violations against the particular government. An attempt to address the human rights violations charges that plague previous El Salvador legislation seems to be occurring with its 2006 *Plan Maestro de Seguridad*. Similarly, Honduras' new president, Manuel Zelaya is also making efforts to overhaul current anti-*mara* legislation by allocating funds towards an increase in National Police personnel as well as the formation of a neighborhood crime-watch program for communities throughout the nation.

Ultimately, choosing to ignore the civil liberties issue will only serve to motivate MS-13 into using political violence against the government. Therefore, Central American countries need to seriously consider and follow through with a multi-faceted strategy. Currently, the heavy-handed approach is only encouraging MS-13 and similar transnational gangs to go “underground.” In doing this, these gangs will be forced to organize – relying on each other in order to survive. Where fractures and decentralization once existed, heavy-handed legislation will only serve to consolidate western hemisphere transnational gangs. When these gangs fully switch to a complete “underground” existence, they will become even more attractive to potential terrorist collaborators.

In the U.S., domestic interagency cooperation must continue: the success of future operations depends on continual gang-related information and intelligence sharing between U.S. law enforcement agencies and their regional counterparts. Application of lessons learned and continual development must occur. This same U.S. approach must serve as the model for law enforcement entities in the region. Technical training and additional operational guidance will be required for Central American governments that have no established foundations in fighting a gang with the capacity MS-13 and other transnational gangs currently possess.

A great opportunity for this to take place may happen with the International Law Enforcement Academy (ILEA), based in El Salvador's capital, San Salvador. ILEA San Salvador was the result of the Bilateral Agreement signed by the U.S. and El Salvador on September 20, 2005 and ratified by the Salvadoran National Assembly on November 30, 2005. The academy's purpose is to provide formalized law enforcement training for national police institutions as well as criminal justice authorities in the region. Much success is expected from ILEA San Salvador; however, it is still too early to gauge results. The simple act of standing up the ILEA in El Salvador will yield long-term results for the U.S. Since 2004, an allegation of a possible MS-13 and al-Qaeda link has emerged. Although no tangible proof has surfaced, any cooperation generated by ILEA will allow the U.S. to monitor this claim more closely.¹⁶⁵

As mentioned before, relying on strong-arm tactics alone is not the answer to the transnational gang problem. Regional governments need to exhaust every channel of communication in deciding the constitutionality and effectiveness of a given course of action. Heavy-handed anti-gang laws may provide the answer

¹⁶⁵ United States Department of State, "Background Paper: International Law Enforcement Academies," U.S. State Department, <http://www.state.gov/p/inl/ilea/c11286.htm> (accessed September 8, 2006); and Committee in Solidarity with People of El Salvador, "ARENA Forces Passage of ILEA in Salvadoran National Assembly," Committee in Solidarity with People of El Salvador, http://www.cispes.org/english/Updates_and_Analysis/Ilea.html (accessed September 8, 2006); and Federal Law Enforcement Training Center, "ILEA San Salvador," U.S. Department of Homeland Security, June 26, 2006, <http://www.fletc.gov/about-fletc/locations/international-law-enforcement-academies-ileas/ilea-san-salvador/history.html> (accessed March 16, 2007).

for short-term success. Long-term repercussions of ignoring a multi-faceted approach, however, may eventually overshadow any future progress made against transnational gangs.

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